

IN THE MATTER OF THE APPLICATION * IN THE
OF JAMES MELVIN DONAHUE, JR. FOR *
A SPECIAL EXCEPTION ON PROPERTY * CIRCUIT COURT
LOCATED ON THE EAST SIDE OF STREAM- *
BANK COURT (CUL DE SAC), 136' * FOR
NORTHEAST BEAVERBANK CIRCLE (803 * BALTIMORE COUNTY
STREAMBANK COURT) * CG Doc. No. 69
9TH ELECTION DISTRICT *
4TH COUNCILMANIC DISTRICT * Folio No. 204
JAMES MELVIN DONAHUE, JR., * File No. 89-CG-2204
PLAINTIFF *
ZONING FILE #88-524-X *
* * * * *
PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND
THE BOARD OF APPEALS FOR BALTIMORE COUNTY
TO THE HONORABLE, THE JUDGE OF SAID COURT:
And now come Lawrence E. Schmidt, Henry H. Lewis and Lynn B. Moreland,
constituting the County Board of Appeals of Baltimore County, and in answer
to the Order for Appeal directed against them in this case, herewith return
the record of proceedings had in the above-entitled matter, consisting of
the following certified copies or original papers on file in the office of the
Zoning Commissioner of Baltimore County:
No. 88-524-X
March 31, 1988 Petition of James Melvin Donahue, Jr. for Special Exception a
professional office in a DR 3.5 zone in the home.
June 30 Publication in newspaper - file.
June 21 Comments of Baltimore County Zoning Plans Advisory Committee -
file.
August 24 Certificate of Posting of property - file.
October 4 Hearing held on Petition by the Zoning Commissioner.
Order of the Zoning Commissioner that the Petition for Special
Exception to use the subject property as a professional office
in a D.R.3.5 zone be DENIED.
November 1 Notice of Appeal received from James M. Donahue, Jr.
May 2, 1989 Hearing on appeal before the Board of Appeals.
May 30 Opinion and Order of the Board ordering that the Petition for
Special Exception be DENIED.

James Melvin Donahue, Jr.
Case No. 88-524-X, File No. 89-CG-2204 2.
June 21, 1989 Order for Appeal filed in the Circuit Court for Baltimore
County by Konstantine J. Prevas, Esquire on behalf of Mr. Donahue.
June 21, 1989 Petition to accompany Order for Appeal filed in the Circuit
Court for Baltimore County.
June 23, 1989 Certificate of Notice sent to all interested parties.
July 21, 1989 Transcript of testimony filed.
Appellant's Exhibit No. 1 - Plat of subject site with red "x"
at residence.
" " " 2 - Private Detective License #89-260.
" " " 3 - Registration and Driver's License.
" " " 4 - Plat - Location Survey.
" " " 5 - Diagram of house.
" " " 6 - Two photographs of home.
" " " 7 - A & B - photographs.
" " " 8 - A & B - photographs.
" " " 9 - December 8, 1983 Board of Appeals
Opinion.
" " " 10 - June 2, 1983 Zoning Commissioner's
Opinion and Order.
" " " 11 - Certificate of Recognition.
" " " 12 - September 17, 1986 letter from
Maryland State Police.
" " " 13 - Letter from Ms. Telesca.
" " " 14 - " " Mr. Osenburg.
" " " 15 - " " Mr. Forrest.
" " " 16 - " " Dr. Maggid.
" " " 17 - " " Dr. Wilson.
" " " 18 - " " World Association of
Detectives, Inc. dated April 26, 1989.
" " " 19 - Brochure - Training Institute.
" " " 20 - Letter from Public Security & Inves-
tigations, Inc.
" " " 21 - National Council of Investigation &
Security Service Standards.
" " " 22 - Letter from Council of International
Investigators.
" " " 23 - November 23, 1988 letter from National
Association of Legal Investigators, Inc.

James Melvin Donahue, Jr.
Case No. 88-524-X, File No. 89-CG-2204 3.
Appellant's Exhibit No. 24 - September 27, 1972 List of
Qualifications.
" " " 25 - December 20, 1988 letter from
Professional Investigators Security Association.
" " " 26 - March 22, 1989 letter from World
Association of Detectives, Inc.
" " " 27 - Zoning Commissioner's Opinion and
Order (Case No. 85-78-X).
People's Counsel Exhibit No. 1 - List of Protestants.
" " " 2 - Maryland Digest 1B 115/119
(Consider Sec. 13.03, pgs. 625/6).
July 21, 1989 Record of Proceedings filed in the Circuit Court for
Baltimore County.
Record of Proceedings pursuant to which said Order was entered and upon
which said Board acted are hereby forwarded to the Court, together with exhibits
entered into evidence before the Board.
Respectfully submitted,
Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul, Legal Secretary
County Board of Appeals
cc: Konstantine J. Prevas, Esquire
Mr. James M. Donahue, Jr.
People's Counsel for Baltimore County
Ms. Ruby Telesca
M. Lacy Gentry
Ms. Dolores Ford
Mr. and Mrs. Douglas Forrest
Mr. Gordon L. Kennan, Sr.
Ms. Cristina Beltran
Mr. and Mrs. Michael J. Ruck

JAMES MELVIN DONAHUE, JR. : IN THE CIRCUIT COURT
Appellant : FOR BALTIMORE COUNTY
v. : Case No. 89-CG-2204
COUNTY EXECUTIVE AND COUNTY :
COUNCIL OF BALTIMORE COUNTY :
AND :
COUNTY BOARD OF APPEALS OF :
BALTIMORE COUNTY, et al. :
Appellees :
: : : : :
ANSWER TO PETITION IN SUPPORT OF ORDER FOR APPEAL
The People's Counsel for Baltimore County, Protestant below and Appellee
herein, answers the Petition in Support of Order for Appeal heretofore filed
by the Appellant, viz:
1. That the Appellee admits the allegations made and contained in
the first paragraph of said Petition.
2. That the Appellee denies the allegations made and contained in
paragraphs 2 through 7 of said Petition.
3. And in further answering, that the issue of estoppel was not
considered below and therefore cannot be considered by this Court.
4. That the decision of the Board herein was proper and justified
by the evidence before it and that the decision of the Board should therefore
be sustained as being properly and legally made.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

77-2 Hd 11 707 68
STW333V 83 JULY 03 11:00
05A13229

- 2 -
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188
I HEREBY CERTIFY that on this 17th day of July, 1989, a
copy of the foregoing Answer to Petition in Support of Order for Appeal
was delivered to the Administrative Secretary, County Board of Appeals,
Room 315, County Office Building, 111 W. Chesapeake Ave., Towson, MD
21204; and a copy mailed to Konstantine J. Prevas, Esquire, 5 Light St.,
Suite 950, Baltimore, MD 21202; and to Arnold Jablon, County Attorney,
Office of Law, 400 Washington Ave., Towson, MD 21204.

Phyllis Cole Friedman
Phyllis Cole Friedman

IN THE MATTER OF THE * IN THE
APPLICATION OF JAMES MELVIN * CIRCUIT COURT
DONAHUE, JR. FOR A SPECIAL *
EXCEPTION ON PROPERTY LOCATED * FOR
ON THE EAST SIDE OF STREAM- * BALTIMORE COUNTY
BANK COURT (CUL DE SAC), 136' * CG Doc. No. 69
NORTHEAST BEAVERBANK *
CIRCLE (803 STREAMBANK COURT) * Folio No. 204
9TH ELECTION DISTRICT * File No. 89-CG-2204
4TH COUNCILMANIC DISTRICT *
JAMES MELVIN DONAHUE, JR., *
PLAINTIFF *
ZONING FILE #88-524-X *
* * * * *
CERTIFICATE OF NOTICE
Madam Clerk:
Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of
Procedure, Lawrence E. Schmidt, Henry H. Lewis and Lynn B. Moreland, constituting
the County Board of Appeals of Baltimore County, have given notice by mail of the
filing of the appeal to the representative of every party to the proceeding
before it; namely, Konstantine J. Prevas, Esquire, 5 Light Street, Suite 950,
Baltimore, Maryland 21202, Counsel for Petitioner/Plaintiff; James Melvin
Donahue, Jr., 803 Streambank Court, Baltimore, Maryland 21204, Petitioner/
Plaintiff; Phyllis C. Friedman, People's Counsel for Baltimore County, Room 304,
County Office Building, Towson, Maryland 21204; Ms. Ruby Telesca, 911 Beaverbank
Circle, Baltimore, Maryland 21204, Protestant; M. Lacy Gentry, 914 Beaverbank
Circle, Baltimore, Maryland 21204, Protestant; Ms. Dolores Ford, 912 Beaverbank
Circle, Baltimore, Maryland 21204, Protestant; Mr. and Mrs. Douglas Forrest,
6404 Sharon Road, Baltimore, Maryland 21239, Protestants; Mr. Gordon L. Kennan,
Sr., 6402 Sharon Road, Baltimore, Maryland 21239, Protestant; Ms. Cristina
Beltran, 2241 Chapel Valley Lane, Baltimore, Maryland 21093, Protestant; Mr. and
Mrs. Michael J. Ruck, 802 Streambank Court, Baltimore, Maryland 21204,
Protestants and Arnold G. Foreman, Esquire, c/o County Board of Appeals of
Baltimore County, 111 W. Chesapeake Avenue, County Office Building, Room 315,

James Melvin Donahue, Jr.
Case No. 88-524-X, File No. 89-CG-2204 2.
Towson, Maryland 21204, a copy of which Notice is attached hereto and prayed
that it may be made a part hereof.
Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul
County Board of Appeals of Baltimore
County, Room 315, County Office Building
Towson, Maryland 21204 (301) 887-3180
I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has
been mailed to Konstantine J. Prevas, Esquire, 5 Light Street, Suite 950,
Baltimore, Maryland 21202, Counsel for Petitioner/Plaintiff; James Melvin
Donahue, Jr., 803 Streambank Court, Baltimore, Maryland 21204, Petitioner/
Plaintiff; Phyllis C. Friedman, People's Counsel for Baltimore County, Room 304,
County Office Building, Towson, Maryland 21204; Ms. Ruby Telesca, 911 Beaverbank
Circle, Baltimore, Maryland 21204, Protestant; M. Lacy Gentry, 914 Beaverbank
Circle, Baltimore, Maryland 21204, Protestant; Ms. Dolores Ford, 912 Beaverbank
Circle, Baltimore, Maryland 21204, Protestant; Mr. and Mrs. Douglas Forrest,
6404 Sharon Road, Baltimore, Maryland 21239, Protestants; Mr. Gordon L.
Kennan, Sr., 6402 Sharon Road, Baltimore, Maryland 21239, Protestant; Ms.
Cristina Beltran, 2241 Chapel Valley Lane, Baltimore, Maryland 21093, Protestant;
Mr. and Mrs. Michael J. Ruck, 802 Streambank Court, Baltimore, Maryland 21204,
Protestants and Arnold G. Foreman, Esquire, c/o County Board of Appeals of
Baltimore County, 111 W. Chesapeake Avenue, County Office Building, Room 315,
Towson, Maryland 21204 on this 23rd day of June, 1989.

Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul, Legal Secretary
County Board of Appeals of Baltimore
County

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

June 23, 1989
Phyllis C. Friedman, Esquire
People's Counsel for Baltimore County
County Office Building - Room 304
111 W. Chesapeake Avenue
Towson, Maryland 21204
Re: Case No. 88-524-X
James M. Donahue, Jr.
Dear Ms. Friedman:

Notice is hereby given, in accordance with the Rules of
Procedure of the Court of Appeals of Maryland, that an appeal has
been taken to the Circuit Court for Baltimore County from the deci-
sion of the County Board of Appeals rendered in the above matter.
Enclosed is a copy of the Certificate of Notice.

Very truly yours,
Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul
Legal Secretary

Encl.
cc: Ms. Ruby Telesca
M. Lacy Gentry
Ms. Dolores Ford
Mr. and Mrs. Douglas Forrest
Ms. Carol Broman
Mr. Gordon L. Kennan
Ms. Cristina Beltran
Mr. and Mrs. Michael J. Ruck
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk - Zoning
Arnold Jablon, County Attorney

PREVAS & PREVAS
ATTORNEYS AT LAW
SUITE 900 - NINTH FLOOR
4 LIGHT STREET
BALTIMORE, MARYLAND 21204-1200

TELEPHONE
AREA CODE 410
768-8240

September 13, 1988

RECEIVED
SEP 14 1988
ZONING OFFICE

J. Robert Haines, Zoning Commissioner
Baltimore County, Office of Planning & Zoning
Towson, Maryland 21204

RE: 88-524-X

Dear Commissioner Haines:

Enclosed herewith please find Memorandum in
Opposition to Protestants Motion to Dismiss Proceedings for
Failure of Petitioner to Request Special Hearing.

Also enclosed please find what is to be marked
Petitioner's Exhibit No. 2, Private Detective License. I
had left off a copy of this Exhibit at your office for
filing. However, I have chosen to re-submit this Exhibit to
you through the mail, just in case the copy I left off was
lost.

Thank you for your consideration of the
Petitioner's position with regard to the Motion to Dismiss
Petitioner, filed by protestants.

Yours truly,

Konstantine J. Prevas
Konstantine J. Prevas

KJP:rp
Enclosures

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 8/24/88
Posted for: Special Exception
Petitioner: James M. Donahue, Jr.
Location of property: E/s Streambank Ct. 136' NE of Beaverbank Circle
Remarks: 803 Streambank Court
Posted by: *Matthew* Date of return: 8/24/88
Number of Signs: 1

MICROFILMED

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD. June 30, 1988
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md, once in each
of successive weeks, the first publication appearing
on June 30, 1988.

THE JEFFERSONIAN,

S. Zefe Nelson
Publisher

33-75
MICROFILMED

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
E/s Streambank Ct. (Coul de sac)
136' NE of NE Corner Beaverbank Circle (803 Streambank Ct.),
9th Election District
JAMES MELVIN DONAHUE, JR., : Case No. 88-524-X
Petitioner

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-
captioned matter. Notices should be sent of any hearing dates or other
proceedings in this matter and of the passage of any preliminary or
final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 31st day of May, 1988, a copy
of the foregoing Entry of Appearance was mailed to Konstantine J. Prevas,
Esquire, 5 Light St., Baltimore, MD 21202, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 11/24/88
Posted for: Appeal
Petitioner: *James M. Donahue, Jr.*
Location of property: E/s Streambank Ct. 136' NE of Beaverbank Circle
Remarks: 803 Streambank Court
Posted by: *Matthew* Date of return: 11/24/88
Number of Signs: 1

#88-524-X 9th E. Dist.
E/s Streambank Ct. 136' NE of Beaverbank Circle
(803 Streambank Ct.)

JAMES M. DONAHUE, JR.

1 SIGN

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 3-31-88 ACCOUNT: R-01-615-000

AMOUNT: \$ 100.00

RECEIVED FROM: *James M. Donahue Jr.*

FOR: *James M. Donahue Jr.*

B 051*****100000 53145

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 1-2-88 ACCOUNT: R-01-615-000

AMOUNT: \$ 115.00

RECEIVED FROM: *James M. Donahue Jr.*

FOR: *James M. Donahue Jr.*

B 051*****115000 53145

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is
described in the description and plat attached hereto and made a part hereof, hereby petition for a
Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the
herein described property for *A professional office in a DR-3.5 zone in the home pursuant to Section 1801.1.C.9B. BDR.*

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon
of this petition, and further agree to and are to be bound by the zoning regulations and restrictions
of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm,
under the penalties of perjury, that I/we
are the legal owner(s) of the property
which is the subject of this Petition.

Contract Purchaser:

N/A
(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

JAMES MELVIN DONAHUE, JR.
(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

KONSTANTINE J. PREVAS
(Type or Print Name)

Signature

Address

City and State

Address

City and State

5 LIGHT STREET
Address

BALTIMORE, MARYLAND, 21202

City and State

Attorney's Telephone No.: 752-2340

Address

Name, address and phone number of legal owner, con-
tract purchaser or representative to be contacted

JAMES MELVIN DONAHUE, JR.

321-8476

803 STREAMBANK COURT, TOWSON, MD. 21204

Address

Ordered By The Zoning Commissioner of Baltimore County, this 13 day
of April, 1988, that the subject matter of this petition be advertised, as
required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-
out Baltimore County, that property be posted, and that the public hearing be had before the Zoning
Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore
County, on the 6th day of July, 1988, at 11:30 a.m.

A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

E.C.O.-No. 1

(over)

88-524-X

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
13th day of April, 1988.

MICROFILMED

Petitioner: James Melvin Donahue, Jr.
Petitioner's Attorney: Konstantine J. Prevas

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 10/9/88 ACCOUNT: R-01-615-000

AMOUNT: \$ 121.75

RECEIVED FROM: *Public Joint Substitution*

FOR: *Public Joint Substitution*

B 145*****121750 88524X

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: AUG 30 1988

Mr. James Melvin Donahue, Jr.
803 Streambank Court
Towson, Maryland 21204

Re: Petition for Special Exception
CASE NUMBER: 88-524-X
E/s Streambank Court (Coul de sac), 136' NE Beaverbank Circle
(803 Streambank Court)
9th Election District - 4th Councilmanic
Petitioner(s): James Melvin Donahue, Jr.
HEARING SCHEDULED: FRIDAY, SEPTEMBER 9, 1988 at 10:00 a.m.

Dear Mr. Donahue:

Please be advised that \$121.75 is due for advertising and posting of
the above-referenced property. All fees must be paid prior to the hearing.
Do not remove the sign and post set(s) from the property from the time
it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED
ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring
it along with the sign(s) and post(s) to the Zoning Office, County Office
Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before
your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there
will be an additional \$25.00 added to the above fee for each set not
returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

MICROFILMED

JRH:gs
cc: Konstantine J. Prevas, Esq.
File

File

Form CA4

CIRCUIT COURT FOR BALTIMORE COUNTY

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland 21285-6754
July 25, 1989

Irene Summers — 887-2660
Civil Assignment Commissioner

Kathy Rushton — 887-2660
Jury Assignments—Civil
General Settlement Conferences

Tina Campbell — 887-2661
Non-Jury Assignments—Civil
Special Settlement Conferences

TO: Konstantine J. Prevas, Esq.
County Board of Appeals.
Thomas Bollinger, Esq.
Phyllis Cole Friedman, Esq.
Peter Max Zimmerman, Esq.

RE: Non-Jury 89-CG-2204 James Melvin Donahue, Jr. vs. County Executive & County Council of Balto. Co. ET AL

HEARING DATE: Monday, November 13, 1989, @ 9:30 a.m.

ON THE FOLLOWING: Appeal: 2 hours

Please see the below notations.

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement.

If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS PRIOR TO 20 DAYS OF TRIAL should be directed to the attention of Irene Summers. POSTPONEMENTS WITHIN 20 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments-Joyce Grimm-887-3497.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

Form CA4

CIRCUIT COURT FOR BALTIMORE COUNTY

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland 21285-6754
November 15, 1989

Irene Summers — 887-2660
Civil Assignment Commissioner

Kathy Rushton — 887-2660
Jury Assignments—Civil
General Settlement Conferences

Tina Campbell — 887-2661
Non-Jury Assignments—Civil
Special Settlement Conferences

TO: Konstantine J. Prevas, Esq.
County Board of Appeals
Thomas Bollinger, Esq.
Phyllis Cole Friedman, Esq.
Peter Max Zimmerman, Esq.

RE: Non-Jury 89-CG-2204 James Melvin Donahue, Jr. vs. County Executive & County Council of Balto. Co. ET AL

HEARING DATE: Tuesday, December 19, 1989, @ 9:30 a.m.

ON THE FOLLOWING: Appeal 2 hours

Please see the below notations.

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement.

If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS PRIOR TO 20 DAYS OF TRIAL should be directed to the attention of Irene Summers. POSTPONEMENTS WITHIN 20 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments-Joyce Grimm-887-3497.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

Form CA4

CIRCUIT COURT FOR BALTIMORE COUNTY

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland 21285-6754
December 19, 1989

Irene Summers — 887-2660
Civil Assignment Commissioner

Kathy Rushton — 887-2660
Jury Assignments—Civil
General Settlement Conferences

Tina Campbell — 887-2661
Non-Jury Assignments—Civil
Special Settlement Conferences

TO: Konstantine J. Prevas, Esq.
County Board of Appeals
Thomas Bollinger, Esq.
Phyllis Cole Friedman, Esq.

RE: Non-Jury 89-CG-2204 James Melvin Donahue, Jr. vs. County Executive & County Council of Balto. Co. ET AL

HEARING DATE: Monday, April 9, 1990, @ 9:30 a.m.

ON THE FOLLOWING: Appeal: 2 hours

Please see the below notations.

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement.

If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS PRIOR TO 20 DAYS OF TRIAL should be directed to the attention of Irene Summers. POSTPONEMENTS WITHIN 20 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments-Joyce Grimm-887-3497.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

Form CA4

CIRCUIT COURT FOR BALTIMORE COUNTY

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland 21285-6754
December 26, 1989

Irene Summers — 887-2660
Civil Assignment Commissioner

Kathy Rushton — 887-2660
Jury Assignments—Civil
General Settlement Conferences

Tina Campbell — 887-2661
Non-Jury Assignments—Civil
Special Settlement Conferences

TO: Konstantine J. Prevas, Esq.
County Board of Appeals.
Thomas Bollinger, Esq.
Phyllis Cole Friedman, Esq.
Peter Max Zimmerman, Esq.
The Honorable William M. Nickerson

NOTE: THE HEARING BELOW WILL REMAIN IN THE ASSIGNMENT PENDING THE OUTCOME OF THE MOTION TO CONSOLIDATE.

RE: Non-Jury 89-CG-2204 James Melvin Donahue, Jr. vs. County Executive & County Council of Balto. Co. ET AL

HEARING DATE: Monday, April 9, 1990, @ 9:30 a.m.

ON THE FOLLOWING: Appeal: 2 hours

Please see the below notations.

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement.

If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS PRIOR TO 20 DAYS OF TRIAL should be directed to the attention of Irene Summers. POSTPONEMENTS WITHIN 20 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments-Joyce Grimm-887-3497.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

Form CA4

CIRCUIT COURT FOR BALTIMORE COUNTY

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland 21285-6754
February 5, 1990

Irene Summers — 887-2660
Civil Assignment Commissioner

Kathy Rushton — 887-2660
Jury Assignments—Civil
General Settlement Conferences

Tina Campbell — 887-2661
Non-Jury Assignments—Civil
Special Settlement Conferences

TO: Konstantine J. Prevas, Esq.
Arnold Jablon, Esq.
Nancy C. West, Esq.
Thomas Bollinger, Esq.
Phyllis Cole Friedman, Esq.
Peter Max Zimmerman, Esq.
County Board of Appeals
The Honorable William M. Nickerson

RE: Non-Jury 89-CG-2204 James Melvin Donahue, Jr. vs. County Executive & County Council of Balto. Co. ET AL
89-CG-4229 James Melvin Donahue, Jr. vs. Balto. Co., Md.

HEARING DATE: Monday, April 9, 1990, @ 9:30 a.m.

ON THE FOLLOWING: NOTE: CONFIRMING NOTICE THAT THE HEARING ABOVE HAS BEEN REMOVED FROM THE DOCKET DUE TO THE ORDER OF CONSOLIDATION. THE CASES WILL NOT BE RESET UNTIL THE CONSOLIDATED CASE BECOMES AN ISSUE.

Please see the below notations.

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement.

If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS PRIOR TO 20 DAYS OF TRIAL should be directed to the attention of Irene Summers. POSTPONEMENTS WITHIN 20 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments-Joyce Grimm-887-3497.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

May 11, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Exception
CASE NUMBER: 88-524-X
ES Streambank Court (cul de sac) 136' x NE of IEC Beaverbank Circle
(803 Streambank Court)
2nd Election District - 4th Councilmanic
Petitioner(s): James Melvin Donahue, Jr.
HEARING SCHEDULED: TUESDAY, JULY 8, 1989 at 11:30 a.m.

Special Exceptions A professional office in a D-3-3 zone in the room pursuant to Section 1801.1.C 9.C.2.R.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: James Melvin Donahue, Jr.
Konstantine J. Prevas, Esq.
File

MICROFILMED

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

May 21, 1988

NOTICE OF POSTPONEMENT

This will acknowledge receipt of the postponement request from (X) Petitioner(s), () Protestant(s), and/or () the Attorney for Petitioner or Protestant.

As such, the following case originally scheduled for July 6, 1988 will not proceed on that date. You will be timely notified of the new hearing date.

Case number: 88-524-X
Petitioner(s): James Melvin Donahue, Jr.
Location: ES Streambank Court (cul de sac) 136' x NE
Beaverbank Circle (803 Streambank Court)

J. Robert Haines
Zoning Commissioner for
Baltimore County

cc: James Melvin Donahue, Jr.
Konstantine J. Prevas, Esq.
File

MICROFILMED

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

July 1, 1988

NOTICE OF POSTPONEMENT

This will acknowledge receipt of the postponement request from (X) Petitioner(s), () Protestant(s), and/or () the Attorney for Petitioner or Protestant.

As such, the following case originally scheduled for July 27, 1988 will not proceed on that date. You will be timely notified of the new hearing date.

Case number: 88-524-X
Petitioner(s): James Melvin Donahue, Jr.
Location: ES Streambank Court (cul de sac) 136' x NE
Beaverbank Circle (803 Streambank Court)

J. Robert Haines
Zoning Commissioner for
Baltimore County

cc: James Melvin Donahue, Jr.
Konstantine J. Prevas, Esq.
File

P.S. - Mr. Prevas,
This is the last postponement this office will grant. Please call 494-3353 (Mr. Stephens) to reach us.

MICROFILMED

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3553
J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Exception
CASE NUMBER: 88-524-X
E/S Streambank Court (cul de sac) 136'± NE of NEC Beaverbank Circle
(803 Streambank Court)
9th Election District - 4th Councilmanic
Petitioner(s): James Melvin Donahue, Jr.
HEARING SCHEDULED: WEDNESDAY, JULY 27, 1988 at 9:00 a.m.

Special Exceptions: A professional office in a DR-3.5 zone in the home pursuant to Section 1801.1.C B.C.Z.R.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3553
J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING

(NO POSTPONEMENT WILL BE GRANTED)

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Exception
CASE NUMBER: 88-524-X
E/S Streambank Court (cul de sac) 136'± NE of NEC Beaverbank Circle
(803 Streambank Court)
9th Election District - 4th Councilmanic
Petitioner(s): James Melvin Donahue, Jr.
HEARING SCHEDULED: FRIDAY, SEPTEMBER 9, 1988 at 10:00 a.m.

Special Exceptions: A professional office in a DR-3.5 zone in the home pursuant to Section 1801.1.C, B.C.Z.R.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: James Melvin Donahue, Jr.
Konstantine J. Prevas, Esq.
G. W. Chapman, Jr.
File

MICROFILMED



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180 887-3180

HEARING ROOM -
Room 301, County Office Building

January 23, 1989
NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-524-X

JAMES MELVIN DONAHUE, JR.
E/S Streambank Court (cul de sac) 136'±
NE Beaverbank Circle (803 Streambank Court)
9th Election District
4th Councilmanic District

SE - Professional office in a D.R. 3.5 zone in the home
10/04/88 - Z.C.'s Order that Petition for Special Exception is DENIED.

ASSIGNED FOR: THURSDAY, MARCH 29, 1989 at 10:00 a.m.

cc: Mr. & Mrs. James M. Donahue, Jr. Appellants /Petitioners
Konstantine J. Prevas, Esquire

S. Eric DiNenna, Esquire Counsel for Appellee /Protestant
Mr. & Mrs. Michael J. Ruck Appellee /Protestant

Ms. Ruby Telesca Appellee /Protestant
M. Lacy Gentry " "
Dolores Ford " "
Mr. & Mrs. Douglas Forrest " "
Ms. Carol Broman " "
Ms. Gordon L. Kennan " "
Ms. Cristina Beltran " "

People's Counsel for Baltimore County

P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk -Zoning
Arnold Jablon, County Attorney

Kathleen C. Weldonhammer
Administrative Secretary



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180 887-3180

HEARING ROOM -
Room 301, County Office Building

March 8, 1989

NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-524-X

JAMES MELVIN DONAHUE, JR.
E/S Streambank Court (cul de sac) 136'±
NE Beaverbank Circle (803 Streambank Court)

9th Election District
4th Councilmanic District

SE - Professional office in a D.R. 3.5 zone in the home

10/04/88 - Z.C.'s Order that Petition for Special Exception is DENIED.

The above case which had been set in for Hearing on Wednesday, March 29, 1989 has been postponed at the request of counsel for the Protestants due to Circuit Court conflict and has been

REASSIGNED FOR: TUESDAY, MAY 2, 1989 at 12:30 p.m.

cc: Mr. & Mrs. James M. Donahue, Jr. Appellants/Petitioners

Konstantine J. Prevas, Esquire

S. Eric DiNenna, Esquire Counsel for Appellee/Protestant

Mr. & Mrs. Michael J. Ruck Appellee/Protestant

Ms. Ruby Telesca " "
M. Lacy Gentry " "
Ms. Dolores Ford " "
Mr. & Mrs. Douglas Forrest " "
Ms. Carol Broman " "
Ms. Gordon L. Kennan " "
Ms. Cristina Beltran " "

People's Counsel for Baltimore County

P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk -Zoning
Arnold Jablon, County Attorney

LindaLee M. Kusmaul
Legal Secretary

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 21, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Konstantine J. Prevas, Esquire
5 Light Street
Baltimore, Maryland 21202

RE: Item No. 363 - Case No. 88-524-X
Petitioner: James Melvin Donahue, Jr.
Petition for Special Exception

Dear Ms. Prevas:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

MICROFILMED

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

May 10, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 358, 359, 360, 361, 363, 364, 365, 366, 367 and 368.

Very truly yours,

Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/RF/pml-b

Dennis F. Rasmussen
County Executive

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

April 20, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: James Melvin Donahue, Jr.

Location: E/S Streambank Ct., (cul-de-sac) 136'± NE of NE/c
Beaverbank Circle
Item No.: 363

Zoning Agenda: Meeting of 4/12/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning [Signature] Fire Prevention Bureau
Special Inspection Division

/jl

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

James Dyer
Zoning Supervisor
TO: Zoning Enforcement Coordinator
FROM: James Thompson
Item No. 363 (if known)
SUBJECT: Petitioner: James Melvin Donahue, Jr. (if known)

VIOLATION CASE # C-88-1389

LOCATION OF VIOLATION 803 Streambank Ct

DEFENDANT James Donahue ADDRESS 803 Streambank Ct

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS

1. Councilperson Bachur

2. G. Warner Chapman

800 Streambank Ct.
Towson, Md 21204

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner Date: May 20, 1988

FROM: P. David Fields, Director, Office of Planning and Zoning

SUBJECT: Zoning Petition #88-524-X

This office is opposed to the granting of this request. Streambank Court, a cul-de-sac, provides access for six residences. It is this office's opinion that the introduction of this type of use would be inappropriate here.

P. David Fields per J. Haines
P. David Fields, Director
Office of Planning and Zoning

PDF/jst
cc: Shirley Hess, People's Counsel
J. G. Hoswell
Zoning File

cc: Konstantine J. Prevas, Esq.
5/27/88

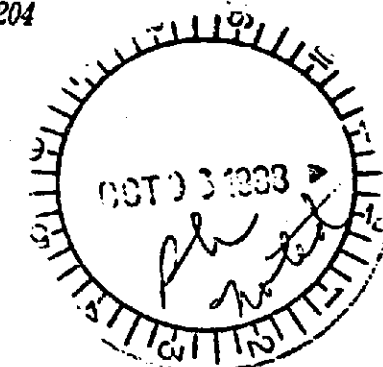
RECEIVED
MAY 24 1988

ZONING OFFICE

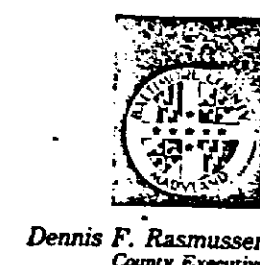
CPS-008

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner



October 4, 1988



Konstantine J. Prevas, Esquire
Suite 950, Ninth Floor
5 Light Street
Baltimore, Maryland 21202-1280

RE: Petition for Special Exception
Case No. 88-524X - DONOHUE

Dear Mr. Prevas:

Enclosed please find the decision rendered on the above captioned case. The Petition for Special Exception is denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm
att.
cc: James Melvin Donahue, Jr.
S. Eric DiNenna, Esquire
Michael J. Ruck

R: DONOHUE 10-7-88

Kathi:
PNZ asked me
to make a copy of
attached Order
for CPA's info.

Shirley Hess
People's Counsel
Office



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

April 11, 1989

Helen Delich Bentley
Member of Congress of the
United States
200 E. Joppa Road
Towson, Maryland 21204

Re: James M. Donahue, Jr.
Case No. 88-524-X

Dear Ms. Bentley:

The purpose of this letter is to advise you that an appeal was received by this office on November 1, 1988 in connection with the above-entitled matter. This case is scheduled to be heard before the Board of Appeals on Tuesday, May 2, 1989 at 12:30 p.m.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals of
Baltimore County

WTH:lmk

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

November 16, 1988



Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Exception
ES Streambank Court (cul de sac) 136' + NE Beaverbank Circle
(803 Streambank Ct.)
9th Election District, 4th Councilmanic District
James Melvin Donahue, Jr. - Petitioner
Case No. 88-524-X

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on November 1, 1988 by James M. Donahue, Jr., Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:icer

Enclosures

cc: Mr. & Mrs. James M. Donahue, Jr., Public Security &
Investigations, Inc., 803 Streambank Court, Baltimore, Md. 21204
Konstantine J. Prevas, Prevas & Prevas
Suite 950, 5 Light Street, Baltimore, Md. 21202-1280
Ruby Telesca, 911 Beaverbank Circle, Baltimore, Md. 21204

MICROFILMED

APPEAL

Petition for Special Exception
ES Streambank Court (Cul de sac) 136' + NE Beaverbank Circle
(803 Streambank Court)
9th Election District - 4th Councilmanic District
JAMES MELVIN DONAHUE, JR. - Petitioner
Case No. 88-524-X

Petition for Special Exception

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Notice of Postponement

Petitioner's Exhibits:

1. Location Survey "803 Streambank Court"
2. Petitioner's Exhibit #2 not found in file
3. Copies of Registrations and Maryland Driver's License
4. Location Survey "803 Streambank Court"
5. Drawing showing dimensions of dwelling
6. Two 3" x 5" photographs of location
7. Two 3" x 5" photographs of location
8. Two 3" x 5" photographs of location

Protestant's Exhibits: 1. Petition to Uphold the zoning violation determination

Zoning Commissioner's Order dated October 4, 1988 (Denied)

Notice of Appeal received November 1, 1988 from James M. Donahue, Jr. - Petitioner

cc: Mr. & Mrs. James M. Donahue, Jr., Public Security &
Investigations, Inc., 803 Streambank Court, Baltimore, Md. 21204

Konstantine J. Prevas, Prevas & Prevas
Suite 950, 5 Light Street, Baltimore, Md. 21202-1280

Ruby Telesca, 911 Beaverbank Circle, Baltimore, Md. 21204

M. Lacy Gentry, 914 Beaverbank Circle, Baltimore, Md. 21204

Dolores Ford, 912 Beaverbank Circle, Baltimore, Md. 21204

MICROFILMED

Case No. 88-524-X
Appeal
November 16, 1988
Page 2

Mr. & Mrs. Douglas Forrest, 6404 Sharon Road, Baltimore, Md. 21239
Carol Broman, 2127 Buell Drive, Baltimore, Md.

Gordon L. Kennan, Sr. 6402 Sharon Road, Baltimore, Md. 21239

Cristina Beltran, 2241 Chapel Valley Lane, Baltimore, Md. 21093

Mr. & Mrs. Michael J. Ruck
802 Streambank Court, Baltimore, Md. 21204

S. Eric DiNenna, DiNenna, Mann & Breschi,
Suite 600, 409 Washington Avenue, Towson, Md. 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk

Case No. 88-524-X
Appeal
November 16, 1988
Page 2

M. Lacy Gentry, 914 Beaverbank Circle, Baltimore, Md. 21204

Dolores Ford, 912 Beaverbank Circle, Baltimore, Md. 21204

Mr. & Mrs. Douglas Forrest, 6404 Sharon Road, Baltimore, Md. 21239

Carol Broman, 2127 Buell Drive, Baltimore, Md.

Gordon L. Kennan, Sr. 6402 Sharon Road, Baltimore, Md. 21239

Cristina Beltran, 2241 Chapel Valley Lane, Baltimore, Md. 21093

Mr. & Mrs. Michael J. Ruck
802 Streambank Court, Baltimore, Md. 21204

S. Eric DiNenna, DiNenna, Mann & Breschi,
Suite 600, 409 Washington Avenue, Towson, Md. 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

MICROFILMED

JAMES MELVIN DONAHUE, JR. 88-524-X

E/S Streambank Court (Cul de sac) 136' + NE Beaverbank Circle (803 Streambank Court) 9th Election District

SE-Professional office in a DR 3.5 zone in the home. 4th Councilmanic District

March 31, 1988 Petition for Special Exception filed for a professional office in a DR 3.5 zone in the home.

October 4, 1988 Order of the Z.C. that Petition for Special Exception be DENIED.

November 1 Notice of Appeal from James M. Donahue, Jr.

May 2, 1989 Hearing on appeal before the Board of Appeals (SLM)

May 30 Opinion and Order of the Board ordering that the Petition for Special Exception be DENIED.

June 21, 1989 *18* Order for Appeal filed in CCT, ECo by Konstantine J. Prevas, Esquire on behalf of James M. Donahue, Jr.; Petition to accompany Appeal also filed.

June 23, 1989 Certificate of Notice sent.

July 21 Transcript of testimony filed; record of proceedings filed.

April 18, 1994 *E* Per CCT - case was DISMISSED for lack of jurisdiction or prosecution without prejudice (William M. Nickerson, J.).

89FEB 24 PM12:32

Department of Commerce
The Department of Commerce issues licenses and is responsible for disciplining most of the businesses and occupations that the Virginia General Assembly has determined should be regulated in order for the public safety, health and welfare to be protected.

Regulatory Boards

The Department functions primarily through a structure of regulatory boards made up of persons appointed by the Governor and other public officials. The essential duties of these boards are to:

- Establish minimum standards to obtain a license.
- Maintain standards of conduct for license holders.
- Discipline license holders who violate laws or regulations pertaining to their business or occupation.

Regulated Business and Occupations

The following businesses and occupations are regulated by the Department:

Certified Public Accountants—businesses and individuals who audit accounts.

Architects—businesses and individuals who design buildings.

Auctioneers—individuals who conduct sales by public bidding.

Audiologists—individuals who treat those with impaired hearing.

Barbers—businesses and individuals who cut and style hair.

Boxers—athletes who participate in sanctioned boxing events.

Contractors—businesses that construct or improve facilities on property owned by others.

Commercial Driver Training Schools—private schools offering to teach persons how to operate a motor vehicle.

Employment Agencies—businesses offering to find jobs for persons for a fee charged to the job seeker.

Professional Engineers—businesses and individuals who design facilities systems, utilities, roads and other projects.

Geologists—individuals recognized as qualified to provide consultation on geology.

Hairdressers—businesses and individuals who cut and style hair.

Harbor Pilots—individuals who navigate vessels in and out of Virginia waterways.

Hearing Aid Dealers and Fitters—individuals who sell and fit hearing aids.

Certified Landscape Architects—individuals who plan and design the use of land.

Nursing Home Administrators—individuals who manage private nursing homes.

Librarians—an individual who possesses a knowledge of books and of library techniques.

Opticians—businesses and individuals who fit and sell prescription glasses and contact lenses.

Polygraph Examiners—individuals who administer lie detecting tests.

Private Security Services—businesses and individuals offering courier, guard, armored car and investigation services.

Real Estate—businesses and individuals representing others in real property transactions, including condominiums, cooperatives, time-shares, subdivided land sales and housing discrimination.

Speech Pathologists—individuals who test, evaluate and treat those with speech disorders.

Land Surveyors—individuals who determine the dimensions and boundaries of property.

Water and Wastewater Works Operators—individuals who operate water and wastewater treatment facilities.

Wrestlers—athletes who participate in sanctioned wrestling events.

TOLL FREE: 1 (800) 552-3016

TO WHOM IT MAY CONCERN:

This letter is written in behalf of Mr. James M. Donahue, whom I understand is encountering zoning problems pertaining to his new residence in Towson.

I was a neighbor of Mr. Donahue's for several years, residing at 1100 Overbrook Road, in the Idlewyde community, living directly across the street from his residence. During this period of time, Mr. Donahue and his wife operated a small private detective business from his home. I was formerly the President of the Idlewyde Community Association and continuously active as a member of the association, as was Mr. Donahue. During the time I resided in that community and tenure as president of the community association, Mr. Donahue's business never caused a concern or problem to the community. His home was kept in accordance to community regulations, and there was never any visible sign of a business being conducted within his residence. His home was occupied by his wife and children, and Mr. Donahue operated his business by telephone, from a small enclosed porch, at the rear of his home.

For many years, Mr. Donahue provided a feeling of security among the many elderly neighbors, who were aware of his availability should a problem ever arise. Many times, Mr. Donahue had provided security services to neighbors who were away from their residences for extended periods of time.

It is my personal opinion that any area where Mr. Donahue resides would greatly benefit from his many years of police experience and vast professional training in the field of security and criminology. I observed Mr. Donahue to be a man of excellent character and high moral standards, who was extremely well liked by everyone in the Idlewyde community.

I would be very happy to be called upon as a character reference for Mr. Donahue, at anytime.

Very truly yours,

Gilbert B. Osenburg, Jr.

GILBERT B. OSENBURG, JR.
7732 HARFORD ROAD
BALTIMORE, MD 21234

(301)665-6000

County Board of Appeals of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Attn: Zoning Commissioner/Board of Appeals

RE: CASE NO. 88-524-X James M. Donahue, Jr.

Dear Commissioners:

I am writing in behalf of Mr. James Donahue, a former resident of the Idlewyde community, 1022 Overbrook Road, Baltimore County.

During the eighteen(18) years Mr. Donahue resided in Idlewyde, there was never a concern about his business being maintained in his residence. As a community president for six(6) years, neither I nor the Idlewyde Community Association, Board of Directors was ever contacted, regarding any problems or concerns pertaining to Mr. Donahue's business.

Mr. Donahue had expressed his reluctance to move from our community; however, he stated he was well aware he would not be able to care for his invalid mother at his Overbrook Road residence.

Mr. Donahue was always considered a good neighbor and the welfare and safety of his community was always within his focus.

Sincerely,

Peggy S. Warfield

Peggy S. Warfield
Former President
Idlewyde Community Association

PSW/ch

Peggy S. Warfield
6525 Loch Hill Court
Baltimore, MD 21239

April 20, 1989

18 April 1989

County Board of Appeals of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Attn: Zoning Commissioner

RE: CASE NO. 88-524-X James M. Donahue, Jr.

Dear Commissioner:

I am writing you regarding James M. Donahue's zoning appeal hearing, scheduled for Tuesday, May 2, 1989. I was present and testified at the original hearing, October 1988, in Mr. Donahue's behalf. It was my intent to be present at the appeal hearing scheduled for Wednesday, March 29, 1989, in support of Mr. Donahue; however, due to the rescheduling of the above-mentioned hearing, to May 2, 1989, I am unable to attend. I will be in Ohio from May 1st until May 9th or 10th, and I am unable to change my plans.

Herein, I wish to restate, to you, that I observed one unidentified automobile, parked in front of my residence, 911 Beaverbank Circle, on only one occasion prior to the original zoning hearing held in October of 1988. I was later informed by Mr. Donahue that said automobile was owned by one of Mr. Donahue's agents who was picking up his paycheck. Since the previously mentioned October, I have not observed any unknown vehicles parked in front of my residence.

I also would like to restate that I have not observed any marked increase in the traffic flow into Streambank Court, specifically to Mr. Donahue's residence, since he moved into his residence in October of 1987.

I have continued and deep respect for Mr. Donahue's efforts in caring for his semi-invalid mother, in his home, while continuing to operate his business.

It is my personal opinion, that without being advised, it is not visibly apparent that Mr. Donahue operates a business from his home. I sincerely hope that my letter will effectively substitute for my presence and support of Mr. Donahue's appeal for special exception.

Very truly yours,

Ruby V. Telesca

Ruby V. Telesca

RT

J. Robert Haines
Zoning Commissioner
Baltimore County
Office of Planning & Zoning
Towson, Md. 21204

Re: Petition for Special Exemption
Case No. 88-524-Z

Dear Commissioner Haines:

This letter is in support of the appeal being made by Mr. James M. Donahue, Jr., of 803 Streambank Court, which is scheduled to be heard later this month.

I appeared at the original hearing in this matter in behalf of Mr. Donahue. Unfortunately, I will be out of the state when the appeal hearing is scheduled. I had planned to be present and to testify at the appeal hearing. Since this will not be possible, I am writing this letter, and ask that it be given due consideration in the appeal process.

It has been my good fortune to be acquainted with Mr. Donahue for over fourteen years, twelve of which as an immediate and close neighbor -- living less than 150 feet from my home.

During those years, Mr. Donahue ran his Public Security and Investigations, Inc. business from his home. In truth, I had lived there for three years before I found out that he was running the business from his home -- even though I did know the type of business he was in. I can testify truthfully that at no time did the operation of his business have any outward or even visible effect on either his street or the neighborhood. There was never, in any way, a noticeable difference in either automobile or persons traffic in and around his house at any time during this entire period of time.

Mr. Donahue was an outstanding member of the community. He supported the Idlewyde Community Association as an active member, and was always in the forefront, as a supporter, of any and all of its programs. He was a quiet, unassuming, and quite unnoticeable neighbor and member of the community. Never having caused a problem of any kind. If anyone ever needed assistance, Mr. Donahue could always be counted upon to lend a helping hand. In this regard, then, all of his neighbors held him in high regard, and were extremely sorry to see him leave the community.

I know that Mr. Donahue's move to his present address was caused by his concern for his aged and infirm mother. While he lived here in Idlewyde, he maintained his mother in her own apartment on Northern Parkway, about one-half mile away -- since

this was her wish. As her physical condition worsened, her disabilities increased to the point that it became apparent that she could no longer live alone, or take care of herself. The configuration of his Idlewyde residence was not conducive to take care of his mother--thus forcing him to look for another residence.

At this time, then, he had no alternative other than to look for a suitable residence that would serve two different purposes. First, it would have to allow him to properly care for his mother; and secondly, it would have to serve as a base to conduct his business.

His new residence at 803 Beaverbank Court seemed to offer him the answer to both of these requirements. The layout of the house would readily allow him to properly care for his mother. And, insofar as his business was concerned, it seemed to be the answer to his prayers -- for it had an office for himself, and one for his secretary. In addition, it had a private entrance into the office area, which made it secure from the residence itself. And best of all, the prior owner, from whom he purchased the property, had built these offices, and ran his own business from them for many, many years. It should be noted here, at this time, that the self-same neighbors that are objecting to this appeal never entered an objection of any kind to the operation of that business.

Mr. Donahue had an exception to zoning regulations at his Idlewyde address; and never having had a problem, felt that he would not experience any problem at his new residence. It came as a complete surprise to him, that the very neighbors who had tolerated many years of business usage of this residence, without complaint of any kind should suddenly, and viciously attack his similar use of the property, for no apparent reason.

Now that a very substantial period of time has elapsed since Mr. Donahue moved into his residence, and an extended period of time has also passed since his original application for an exception to the existing zoning regulations, it can be ascertained that nothing of a deleterious nature in the way of increased undesirable traffic -- either vehicular or pedestrian has occurred. Thus the objections of the opponents to the granting of this exception are without basis in either cause or effect.

While there can be no dispute in the original finding of the Hearing Officer as to the strict wording of the zoning regulation, as written; nonetheless consideration of mitigating circumstances must, of necessity, play a role, if justice is to be a part of the process of evaluation in reaching a truly fair determination.

Even in a court of law, before sentence is passed, every opportunity is afforded the person on trial to either explain or to justify the reasons for his actions. Only after this has happened does the judge render a just and fair decision -- having

given due consideration to all of the evidence presented. Understanding and compassion have always played a major role in our judicial process.

No law or regulation has ever been so perfectly written that it can cover every circumstance that may affect its application. For this reason, we have established a basis for both recourse and appeal. Certainly zoning regulations must fall into this same category.

With the burden of proof of compliance clearly the duty and obligation placed on Mr. Donahue, should this exception be granted, I feel certain that the opponents of this appeal will find nothing to complain about in his following any limitations specified.

In light of the fact of his many previous years of never having caused a problem in the Idlewyde community, added to the fact that he has caused no problems since moving into his Beaverbank Court residence, and in due consideration that the same property has had identical use for which this appeal is being made, I petition the Board to grant this exception. Justice would certainly seem to be best served with such a decision.

Thank you for your consideration.

Sincerely,

J. Douglas Forrest

J. Douglas Forrest

6404 Sharon Road
Idlewyde
Baltimore County
Maryland 21239

CASE#: 88-524-X JAMES M. DONAHUE, JR.

S. GAIL WILSON, M.D.
Internal Medicine

The Good Samaritan Hospital
Professional Bldg., Suite 200
6501 Loch Raven Boulevard
Baltimore, MD 21239
(301) 532-4047

April 6, 1989.

Re: Grace Donahue

To whom it may concern:

Mrs. Donahue is an 82 year old widow who currently resides with her son, Mr. J. M. Donahue, Jr.

She requires constant supervision because of her underlying medical problems which include a transient cerebrovascular accident and progressive dementia, probably secondary to multiple infarcts. She stroke has permanently impaired her balance so that she has profound difficulty in walking. She has fallen on several occasions and is at high risk to fall again. For these reasons, she must be constantly attended either in a private home or a nursing home. The latter alternative is socially unacceptable to the patient. Consequently, her son is left with no alternative other than to continue to care for her at his residence at 803 Streambank Court.

Sincerely,
S. Gail Wilson, M.D.

524-X JAMES M. DONAHUE

S. ELLIOTT HARRIS, M. D.
GERALD N. MAGGIO, M. D.
RICHARD W. BITTRICK, M. D.
400 HARRIS ROAD
BALTIMORE, MARYLAND 21234
TELEPHONE 448-4400

April 17, 1989

GRACE DONAHUE
Date of Birth: 12/10/07

The patient was examined on April 5, 1989. She was brought in by her son, who gives the following history: The patient can only walk with a walker because of twisted spine and arthritis in her spine. She falls frequently and has broken bones in the past. She has to use a "lift chair" to get up. She drops things because of no strength in her right hand. She has constant memory loss, such as she will leave the stove "on". She forgets in the middle of a sentence. She has chronic back pain. She has decreased hearing, even though she has a hearing aide of each ear. She has double vision at times. She is depressed. These are the reasons that she needs constant supervision at home. She cannot do things for herself and has to be kept out of trouble.

She also has a past history of duodenal ulcer, hiatal hernia, fractured left ribs in 1987, fractured right clavicle in 1972, discogenic disease and arthritis of lumbar spine, fractured left foot in 1975, right carotid surgery in 1984 and trouble with speech and swallowing following this. There is a history of no pulse in the left carotid. A basal cell carcinoma removed in the area of the left mandible about 1986 plus a Warthin's lesion removed in the right neck. She has had a hysterectomy. There has been a granuloma in the right lower lung since 1980. Cataract surgery in 1987 (?).

On examination, weight 163, blood pressure 120/70, pulse 100, temperature 98.0. Examination of the head reveals that she has difficulty even with hearing aides. Examination of the neck reveals the left carotid pulse to be absent. Examination of the chest, abdomen and extremities is not remarkable. Examination of the back reveals pain on motion and kyphos scoliosis. The patient is alert and cooperative but memory is not good. She is using a walker to get around.

Because of all these handicaps, it is my medical judgement that the patient needs constant 24 hour supervision. This supervision may be done at home by her family.

Gerald N. Maggio
Gerald N. Maggio, M.D.

dr

Perpetual No. 4-987-661

DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM

LIEB 7 1 PAGE 594

This Deed, MADE THIS 5th day of October

in the year one thousand nine hundred and eighty-seven by and between
George L. Hurlock and Dorothy V. Hurlock, husband and wife

of County of Baltimore, State of Maryland of the first part, and
James M. Donahue

of the second part.

WITNESSETH, That in consideration of the sum of ** One Hundred Forty-Six Thousand and 00/100 (\$146000.00), receipt of which is hereby acknowledged

the said parties of the first part

do grant and convey to the said party of the second part, his

personal representatives/successors and assigns, in fee simple, all

that lot of ground situate in Baltimore County State of Maryland

and described as follows, that is to say:

located on the E/S Streambank Ct 1/2 mile north of Beaverbank Circle BEING known and designated as Lot No. 12, Block B, as shown on the Plat Cromwell Valley Section South 11, which Plat is recorded among the Land Records of Baltimore County in Plat Book GIB No. 24, folio 5. The improvements thereon being known as No. 803 Streambank Court.

Being the same lot of ground which by Deed dated July 3, 1975, recorded among the Land Records of Baltimore County in Liber EHK, Jr. 5561, folio 186, etc., was granted and conveyed by Central Savings Bank unto the within named grantors. See also assignment recorded in Liber GIB 3345, folio 478. Dorothy V. Hurlock aka Dorothy L. Hurlock.

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION
10/3
Clerk DATE

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE DATE 10/18/87

B 8286***2336002a 5066A

IN RE: PETITION SPECIAL EXCEPTION
NE corner of Rolling and
Chesworth Roads (1301 North
Rolling Road) - 1st Election
District
Richard A. Dalla Tezza,
Petitioner
Case No. 85-78-X
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a professional office in his residence, as more fully described on Petitioner's Exhibit 1.

The Petitioner appeared and testified and was represented by Counsel. Appearing on behalf of the Petitioner was Wilbur Duvall, a registered professional engineer. Ronald Lepson, a resident of the area and a representative of the Westview Park Improvement and Civic Association, appeared and testified as a Proponent.

Testimony indicated that the subject dwelling, located on the corner of Rolling and Chesworth Road, zoned D.R.3.5, contains three stories with the proposed office to be located on the first floor. The Petitioner has been a real estate broker for three years and was a real estate agent for six years before that. He wishes to operate his business from his residence. He estimates that he would see 30 to 50 potential clients per year in his home and that most of his business would be conducted off premises. His wife, who would act as his secretary, would be his only employee.

Duvall testified that a County survey of traffic at this intersection showed that the traffic count was 24,000 vehicles per 24 hours. According to Mr. Duvall, based on his experience and expertise, the proposed office would not adversely impact the traffic flow, i.e., 30 to 50 people per year would not cause a problem. In fact, all of the Petitioner's business would be conducted

ORDER RECEIVED FOR FILING
DATE 10/18/87
BY 10/18/87

MICROFILMED

Larry: today's case
FIX People's Counsel pulled similar case involving Real Estate Agent in Zoning case which never made it to the Board as never appealed.

On page 4 of that Zoning decision, Arnold Jablon references Donahue -- same Donahue appearing in today's 12:30 p.m. hearing.

Thought you should be aware of this.

Kathi
5/2/89

*Zoning Violation case heard by the Board in 1983.

IN THE MATTER OF
JAMES M. DONAHUE, JR., ET UX
RE: ALLEGED ZONING VIOLATION
ON PROPERTY LOCATED AT
1022 OVERBROOK ROAD
9TH DISTRICT
BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
NO. 82-176-V
(C-82-229)

OPINION

This matter comes before the Board following an opinion of the Zoning Commissioner that James M. Donahue, Jr. was operating a business from his residence located at 1022 Overbrook Road, in the Ninth Election District of Baltimore County.

Evidence presented at the hearing today indicated that, in fact, Mr. Donahue does run Public Security and Investigations out of his home and that he employs a part time secretary for such business purposes. Additionally, it was admitted that from time to time Mr. Donahue engages the services of investigators. These investigators do not work out of this residence and are there only periodically in a manner that would not distinguish them from any other visitor or friend. Mr. Donahue presented two neighbors that live next to his home. These neighbors indicated that there is no traffic problem generated on account of this business use and that there are no other objective indications that any business takes place within the premises. Mr. Donahue testified that he has been carrying on this business since 1973 at this location without interruption. Mr. Donahue also testified that the State requires individuals choosing his career to be licensed. By virtue of this licensing requirement, the State is permitted to regulate this industry as they would any other profession that is similarly licensed and regulated. The Board, therefore, determines that a professional private investigator is a professional person within the meaning of the Zoning Regulations.

In 1980, Baltimore County repealed the professional office use in residential zones as a matter of right and made them permissible upon application for a special exception. Prior to this time offices for professional persons occupying no more than twenty-five percent (25%) of the total floor area of such residences and did not involve the employment of more than one

LIBER 3243, PAGE 082

THIS DECLARATION made this 30th day of September, in the year one thousand nine hundred and fifty-seven, by CROMWELL VALLEY, INC., a Maryland corporation.

WHEREAS, Cromwell Valley, Inc. is the owner of the tract of land situate and lying in the County of Baltimore, State of Maryland, and described as follows:

Beginning for the same at the end of the 34th or North 66° 00' 00" West, 150.00 feet line as described in a conveyance from Clarence M. Pitt and wife to Crom, Cork and Seal Company, Inc., dated September 9, 1955, and recorded among the Land Records of Baltimore County in Liber G.L.B., No. 8770, folio 54; said 34th line being North 69° 59' 04" West, 150.00 feet as now surveyed, referred to the true meridian as established by the Baltimore County Metropolitan District; thence binding on the following courses and distances: (1) North 2° 18' 58" East, 37.94 feet; (2) North 2° 39' 55" East, 115.19 feet; (3) North 6° 29' 28" West, 43.81 feet; (4) North 59° 57' 18" East, 14.00 feet; (5) North 69° 17' 13" East, 459.55 feet; (6) North 77° 29' 51" East, 289.69 feet; (7) South 0° 41' 28" East, 200 feet; (8) South 13° 04' 16" East, 111.11 feet; (9) South 59° 05' 28" East, 154.78 feet; (10) South 60° 25' 26" East, 148.12 feet; (11) South 14° 15' 25" East, 107.05 feet; (12) North 66° 00' 00" West, curve with a radius of 650 feet for a distance of 15 feet; (13) North 18° 15' 15" West, 116.42 feet; (14) North 82° 25' 50" East, 143.28 feet; (15) South 0° 02' 11" East, 159.04 feet; (16) Southwesterly along a curve to the right, with a radius of 700.00 feet for a distance of 33.65 feet; (17) South 66° 00' 00" West, 206.55 feet; (18) North 69° 06' 05" West, 250.17 feet; (19) North 64° 05' West, 671.18 feet; (20) South 79° 00' 34" West, 67.00 feet; (21) South 59° 55' West, 90.00 feet; (22) South 38° 02' 24" East, 62.04 feet; (23) binding on the aforementioned 34th line North 69° 59' 04" West, 150.00 feet to the point of beginning.

BEING the same lot of ground, part of which is described in a Deed dated February 19, 1977, recorded among the Land Records of Baltimore County in Liber G.L.B. 3105, folio 269, from Providence Realty, Inc. to Cromwell Valley, Inc., and in confirmatory deed between the same parties dated June 30, 1977, recorded among the aforesaid Land Records in Liber G.L.B. 3180, folio 461, and the remaining part of which is described in the Deed dated August 7, 1968, and recorded among the aforesaid Land Records in Liber G.L.B. 2903, folio 280, from Providence Realty, Inc. to Cromwell Valley, Inc.

which land it intends to subdivide into individual lots for building purposes with the object of developing a residential neighborhood, and

WHEREAS, for the purpose of creating said residential neighborhood, this Declaration is hereby made.

NOW THEREFORE VERIFIETH that the said Cromwell Valley, Inc. is the owner of the above described land, and that it is the intention of the said Cromwell Valley, Inc. to convey the same to itself, its successors and assigns, in consideration of the sum of \$146,000.00, and that the same is derived of other good and valuable considerations, and hereby agrees

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Carol Chapman	2137 Budd Drive
James Donahue	803 Streambank Ct
Harold A. Kinnard Jr.	6402 Shawan Rd
M. Lucy Gentry	914 Beaverbank Circle
J. V. L. Forest	6404 Shawan Rd.
William M. Forest	6404 Shawan Rd.
John V. Tolson	811 BEAVERBANK CIR.
Dale Ford	912 Beaverbank Circle
Cristina Billman	2241 Chapel Valley Lane

MICROFILMED

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Michael J. Buck	802 Streambank Court
P. J. P. P.	802 Streambank Circle
Mary J. P. P.	" "
G. J. P. P.	800 Streambank Ct
James J. P. P.	800 Streambank Ct
P. J. P. P.	805 Providence Rd
Wanda R. Buck	805 Streambank Rd
Virginia L. Richards Santesso	801 Streambank Rd
Donato R. Telesco	911 Beaverbank Cir.
Louis F. Spriggs	948 Beaverbank Circle
Harry	
Thomas G. Butler	932 Beaverbank Cir.
M. W. Pugh, Jr.	800 Beaverbank Ct

MICROFILMED

PETITION

We, the undersigned, are resident/owners of properties located in Cromwell Valley and Cromwell Heights, areas zoned RESIDENTIAL by the Zoning Board of Baltimore County and by Covenants in Land Records of Baltimore County that were recorded on October 4, 1957. (Liber 3243, Folio 082-087)

A COMMERCIAL ENTERPRISE, Public Security & Investigations, Inc., owned and operated by Mr. James M. Donahue, Jr., is operating from his residence at 803 Streambank Court, located in Cromwell Valley. Mr. Donahue was cited by the Baltimore County Zoning Board for violating the uses permitted under a residential zoning classification. (Case # 881389)

Neighbors, living in proximity to this violation, subject to increased auto traffic from both staff as well as apparent clients who enter and exit this location at all hours of the day and evening, realize that the continued use of this residential property for commercial activities will jeopardize the residential status of our neighborhood, lower property values and affect the quality of life we have enjoyed over the past many years.

Therefore, we petition the Baltimore County Zoning Board to UPHOLD the zoning violation determination made in this case, to DISAPPROVE any request made for a SPECIAL EXCEPTION to existing uses permitted under residential zoning, and to REQUIRE the owner of said property to return its use to residential status.

NAME	ADDRESS
James M. Donahue	806 Elderbank Ct
Maryann Greyer	948 Beaverbank Circle
James A. Spriggs	948 Beaverbank Circle
Charlotte Edwards	806 Elderbank Ct
Edwin J. Jeffers	805 Elderbank Ct
Edwin J. Jeffers	805 Elderbank Ct
Ann A. Jagan (Widow)	802 Elderbank Ct
Margaret L. Wilson	803 Elderbank Ct
John A. Wilson	803 Elderbank Ct
Richard L. Redgrew (Widow)	807 Elderbank Ct

PROTESTANT'S
EXHIBIT 1

MICROFILMED

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Therefore, we petition the Baltimore County Zoning Board to UPHOLD the zoning violation determination made in this case, to DISAPPROVE any request made for a SPECIAL EXCEPTION to existing zoning and to require rezoning, and to REQUIRE the owner of said property to return its use to residential status.

NAME

EXHIBIT 4 ADDRESS

Wassell Fests
Lassie C. Fester
Shannon
Allen Matley
Elizabeth Phillips
Carol Ann
Karyn B. Jones
James D. Conkle
Johnny R. Conkle
Shirley Jones
James B. Conkle
Pete Mathen
Kendra Martin
Lynette Williams
James A. Williams

750 Beaverbank Circle
952 Beaverbank Circle
962 Beaverbank Circle
947 Beaverbank Circle
954 Beaverbank Circle
943 Beaverbank Circle
960 Beaverbank Circle
955 Beaverbank Circle
958 Beaverbank Circle

THOMAS

We, the undersigned, are resident/owners of properties located in Cromwell Valley and Cromwell Heights, areas zoned RESIDENTIAL by the Zoning Board of Baltimore County and by Covenants in Land Records of Baltimore County that were recorded on October 4, 1957. (Liber 3243, Folio 082-087)

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Neighbors, living in proximity to this violation, subject to increased auto traffic from both staff as well as apparent clients who enter and exit this location at all hours of the day and evening, realize that the continued use of this residential property for commercial activities will jeopardize the residential status of our neighborhood, lower property values and affect the quality of life we have enjoyed over the past many years.

Therefore, we petition the Baltimore County Zoning Board to UPHOLD the zoning violation determination made in this case, to ~~APPROVE~~ **REQUIRE** any request made for a SPECIAL EXCEPTION to existing uses permitted under residential zoning, and to REQUIRE the owner of said property to return the use to residential status.

NAME	ADDRESS
Michael C. Bots	953 Beaverbank Circle 2120
Angie Latta	953 Beaverbank Circle 2120
John C. Hughes	751 Beaverbank Circle
Judy Shum	957 Beaverbank Circle
Mary C. Martin	945 Beaverbank Circle 2120
Dennis J. Moring	945 Beaverbank Circle 2120
Shirley Annell Dwyer III	949 Beaverbank Circle 2120
Isidore F. Dwyer	949 Beaverbank Circle 2120
Shirley Ann Dwyer	956 Beaverbank Circle 2120
Shirley Ann Dwyer	956 Beaverbank Circle 2120

~~5 HOMES~~

We, the undersigned, are resident/owners of properties located in Cromwell Valley and Cromwell Heights, areas zoned RESIDENTIAL by the Zoning Board of Baltimore County and by Covenants in Land Records of Baltimore County that were recorded on October 4, 1957. (Liber 3243, Folio 082-087)

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Neighbors, living in proximity to this violation, subject to increased auto traffic from both staff as well as apparent clients who enter and exit this location at all hours of the day and evening, realize that the continued use of this residential property for commercial activities will jeopardize the residential status of our neighborhood, lower property values and affect the quality of life we have enjoyed over the past many years.

Therefore, we petition the Baltimore County Zoning Board to UPHOLD the zoning violation determination made in this case, to DISAPPROVE any request made for a SPECIAL EXCEPTION to existing uses permitted in residential zoning, and to REQUIRE the owner of said property to return his use to residential status.

NAME	ADDRESS
P. G. Clement	911 Cornwall Br. Rd. Tucson
J. Henry Cotton	902 Cromwell Bridge Rd. Tucson
Thomas Briggs, Jr.	901 " " "
Sharon Offenberg	910 " " "
John A. Rusk	912 Cornwall Bridge Rd. Tucson III
Beth A. Swier	908 Cornwall Br. Rd. Tucson
Gabe's Nursery	916 Cornwall Bridge Rd. Tucson
William J. Smith	917 Cornwall Bridge Rd. Tucson
Bruce Taylor	920 Cornwall Bridge Rd. Tucson II
Melita Shaper	923 Cornwall Bridge Rd. Tucson II
Nick & Janice	926 Cornwall Bridge Rd.
T. W. Hall	930 Cornwall Bridge Rd.
Joe Clark	932 Cornell St. P.
Larry Sharp	934 Cornwall Br. Rd. Tucson
Paul E. Miller	955 Beaver Park Circle - Gilbert
Dwight L. Harris	947 Cornwall Bridge Rd. Tucson III

• 14 170 HCS

21204
MICROFILMED X SEE SHEET # 2
X ALSO ON OTHER 11
BY NAC 11-11-61

We, the undersigned, are resident/owners of properties located in Cromwell Valley and Cromwell Heights, areas zoned RESIDENTIAL by the Zoning Board of Baltimore County and by Covenants in Land Records of Baltimore County that were recorded on October 4, 1957. (Liber 3243, Folio 082-087)

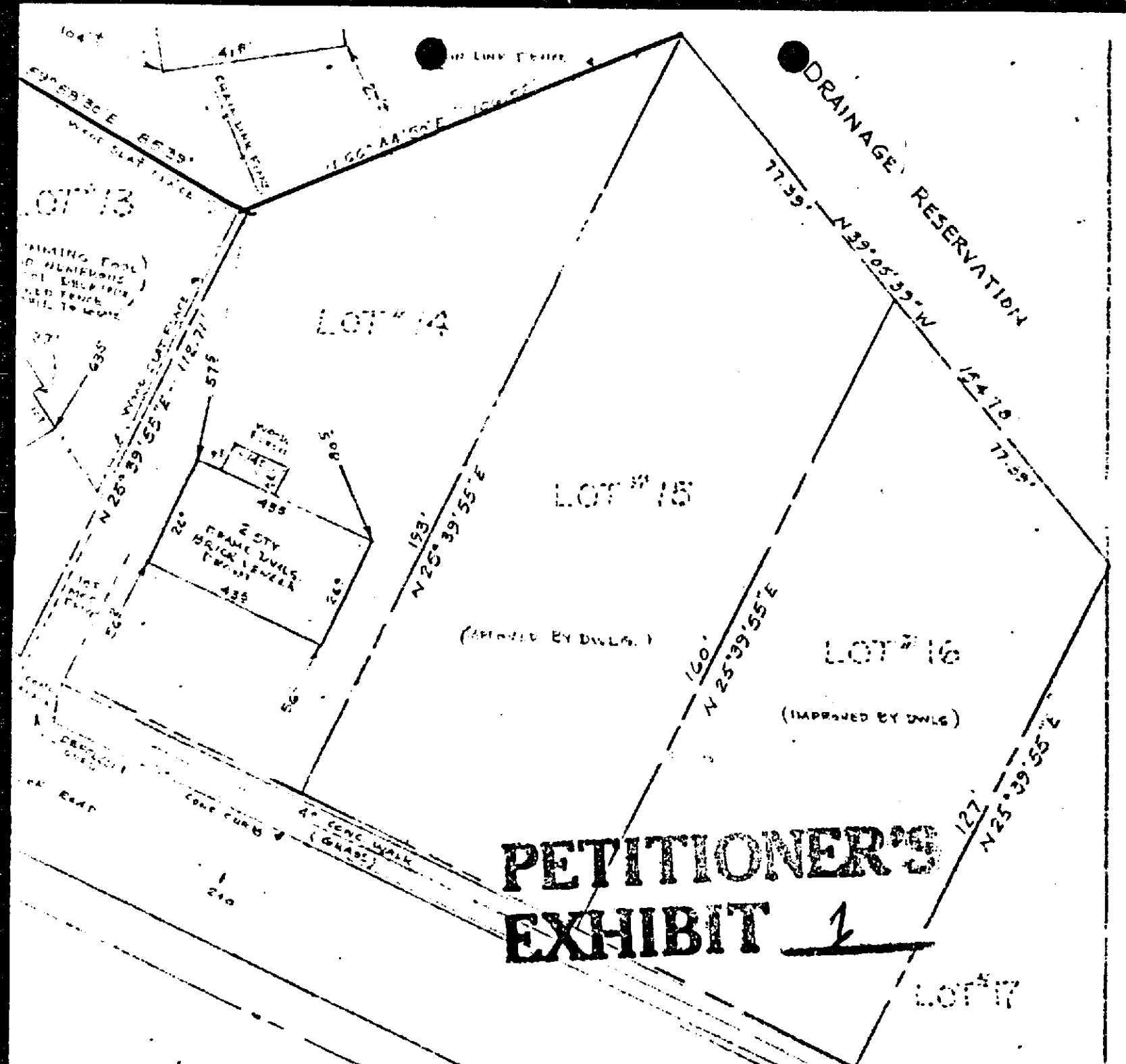
A COMMERCIAL ENTERPRISE, Public Security & Investigations, Inc., owned and operated by Mr. James M. Donahue, Jr., is operating from his residence at 803 Streambank Court, located in Cromwell Valley. Mr. Donahue was cited by the Baltimore County Zoning Board for violating the uses permitted under a residential zoning classification. (Case # 881389)

Neighbors, living in proximity to this violation, subject to increased auto traffic from both staff as well as apparent clients who enter and exit this location at all hours of the day and evening, realize that the continued use of this residential property for commercial activities will jeopardize the residential status of our neighborhood, lower property values and affect the quality of life we have enjoyed over the past many years.

Therefore, we petition the Baltimore County Zoning Board to UPHOLD the zoning violation determination made in this case, to DISAPPROVE any request made for a SPECIAL EXCEPTION to existing uses permitted under residential zoning, and to REQUIRE the owner of said property to return its use to residential status.

NAME	ADDRESS
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Morgan, J. K. & Co. } 917 Broadway, N.Y. City 21204.
 903 Broadway, N.Y. City 21204.
 Charles B. F. & Co. }

$$x^2 + 4x + 5$$


LOCATION SURVEY
803 STREAMBANK COURT
9TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
Scale; 1in.=30ft.

CHARLES E. KARAS
PROPERTY LINE SURVEYOR NO. 55
2101 Town Hill Road
Baltimore, Maryland 21239


#312

1

1000

**PETITIONER'S
EXHIBIT 3**

1992

 Maryland Department of Transportation
MOTOR VEHICLE ADMINISTRATION

W. MARSHALL REICHERT
W. MARSHALL REICHERT
ADMINISTRATOR

REGISTRATION CERTIFICATE

TAG NUMBER **FA9483** STICKER NUMBER **604320**

TITLE NUMBER		MAKE AND BODY STYLE OF VEHICLE	
1	501010584	MERC C45	
YEAR	CLASS	LEADGE	REGISTRATION NUMBER
1974	NFA	1	826253375137
DATE OF SALE	DATE OF SALE	DATE OF SALE	EXPIRATION DATE
3/3700	NFA	\$40.50	10/31/78

OWNER (OWNER LICENSE/ENDORSEMENT NO.)
05003675599939 (CO-OWNER'S DRIVER LICENSE/ENDORSEMENT NO.)

NAME AND ADDRESS OF REGISTERED OWNER
JAMES MELVIN DONAHUE JR
803 STREAMS BANK CT
BALTIMORE MD 21204

76 Maryland Department of Transportation
MOTOR VEHICLE ADMINISTRATION

REGISTRATION CERTIFICATE

STICHER NUMBER

TAG NUMBER

0792014

2215235

TITLE NUMBER		MAKE AND BODY STYLE OF VEHICLE	
07949058	GLAD MM		
YEAR		VEHICLE IDENTIFICATION	
74	N/A	3213F8K149076	
LEASE OR +3700	CO OWNER DONOR	YES	OPERATION DATE
			12/31/88
DONOR'S DRIVER LICENSE/LICENSE NO.		LO DONOR'S DRIVER LICENSE/LICENSE NO.	
05D036787949939			
NAME AND ADDRESS OF LICENSEE			
JAMES MELVIN DONAHUE JR			
803 STREAMS AVE			
BALTIMORE			
		BA MD 21204	

Bayport Department of Transportation
MOTOR VEHICLE REGISTRATION


Signature
M. JAMES
ADMINISTRATOR

REGISTRATION CERTIFICATE

TAG NUMBER **STICKER NUMBER**

NF98481 **5520446**

TITLE NUMBER		MAKE AND BODY STYLE OF VEHICLE	
1381423	CAD1	CAD1	2C
YEAR	CLASS	VEHICLE IDENTIFICATION NUMBER	
82	N/A	1G6640473H130723	130723
SALE TAX	OR COME OUT	FEE	EXPIRATION DATE
+ \$7.00	OWN/A	\$40.50	03/31/89
OWNER'S POWER OF ATTORNEY NO. (0) (1) (2) (3) (4) (5) (6) (7) (8) (9)			
05003673599993			
NAME(S) AND ADDRESS OF REGISTERED OWNER(S)			
JAMES MELVIN DONAHUE JR			
803 STEAMBOAT C			
BALTIMORE			
		SA	MD


Maryland Department of Transportation
 MOTOR VEHICLE ACCOUNTING SECTION

104-1
 10 MAR 1968
 10 MAR 1968

REGISTRATION CERTIFICATE

TAG NUMBER

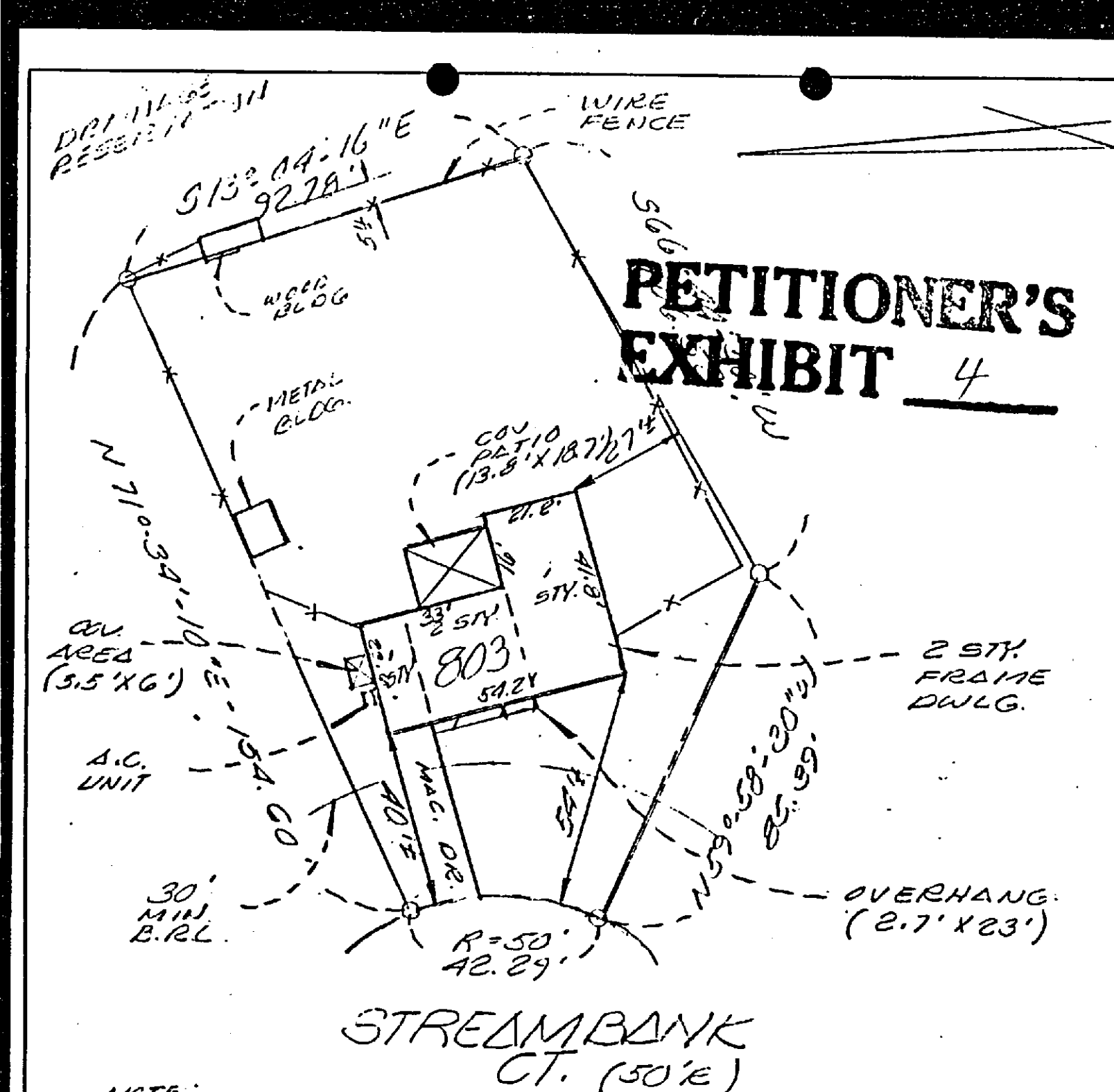
Q5C45

STICKER NUMBER

2215234

TITLE NUMBER		MAKE AND BODY STYLE OF VEHICLE	
03C48899		GLDS 2M	
YEAR	CLASS	VEHICLE IDENTIFICATION NUMBER	
74	A	3R47F92415707	
WEIGHT OF VEHICLE	TYPE	EXPIRATION DATE	
3704	00N4	527-00 12/31/88	
OWNER'S EXPIRATION DATE		OWNER'S EXPIRATION DATE	
D500367999939		D50035 DOWNS EXPIRATION DATE	

MAILING ADDRESS OF REGISTERED OWNER:
JAMES MELVIN DONAHUE JR
 503 STATE BANK CT
 BALTIMORE 9A MD 21202



NOTE: ALSO DESIGNATED AS LOT 12 BLOCK 1 AS SHOWN ON
 PLAT OF "CROWWELL VALLEY SECTION SOUTH II" RECORDED
 IN CALTO. CO. IN PLAT BOOK NO. 24-5

LOCATION SURVEY
803 STREAMBANK COURT
BALTIMORE COUNTY, MD

I hereby certify that I have made a survey of this lot for the purpose of locating the improvements thereon and that they are located as shown.

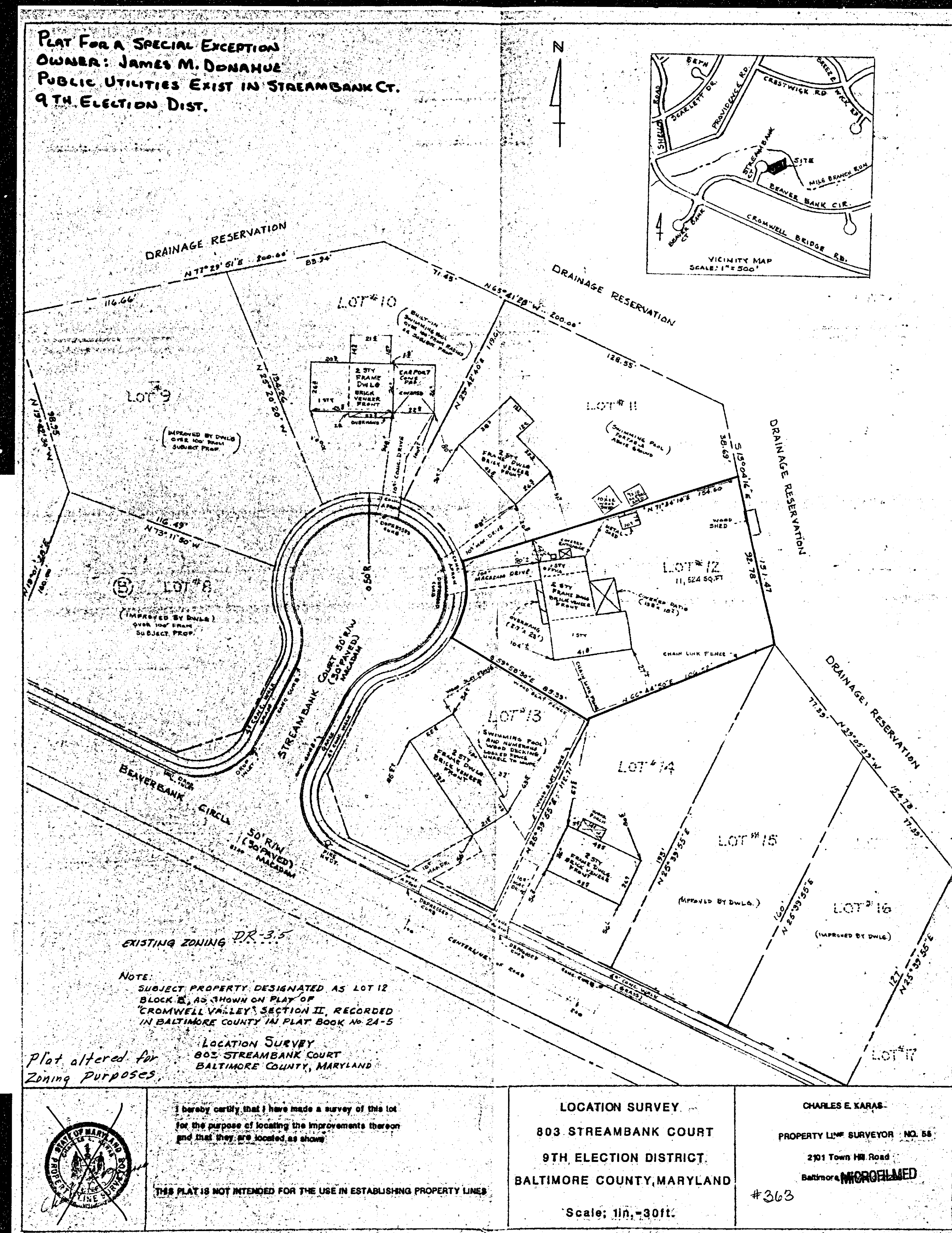
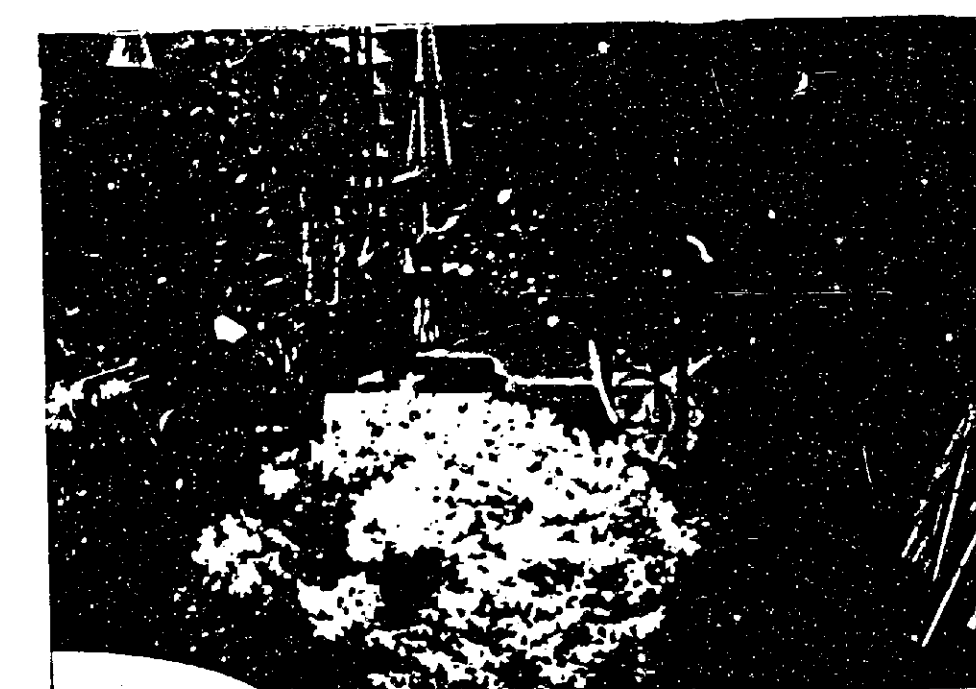
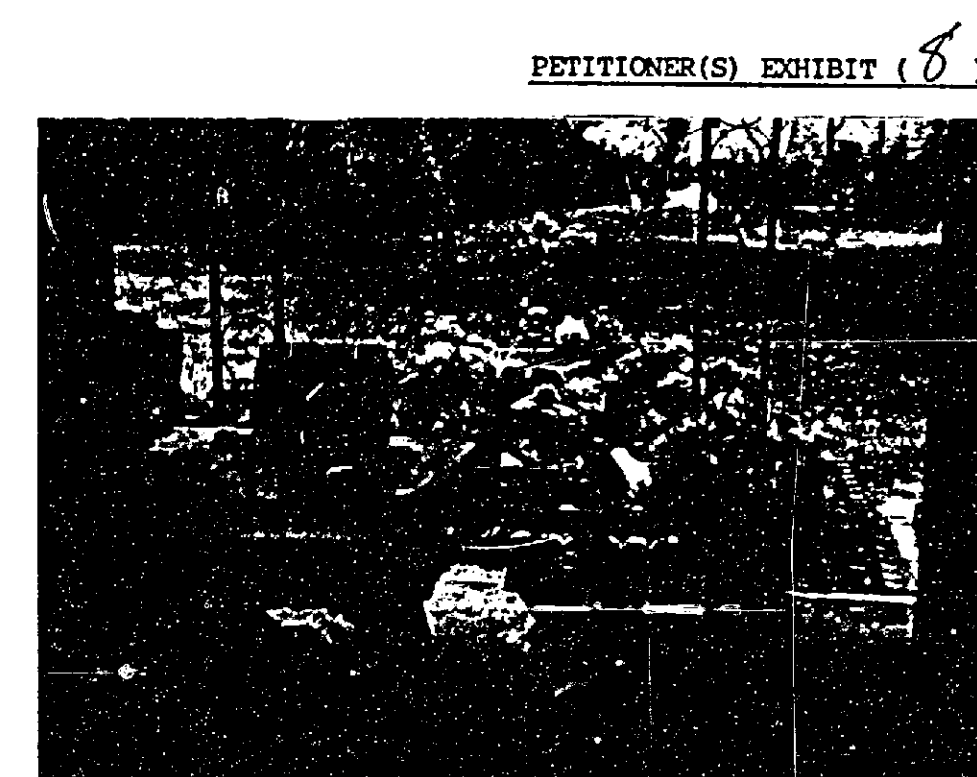
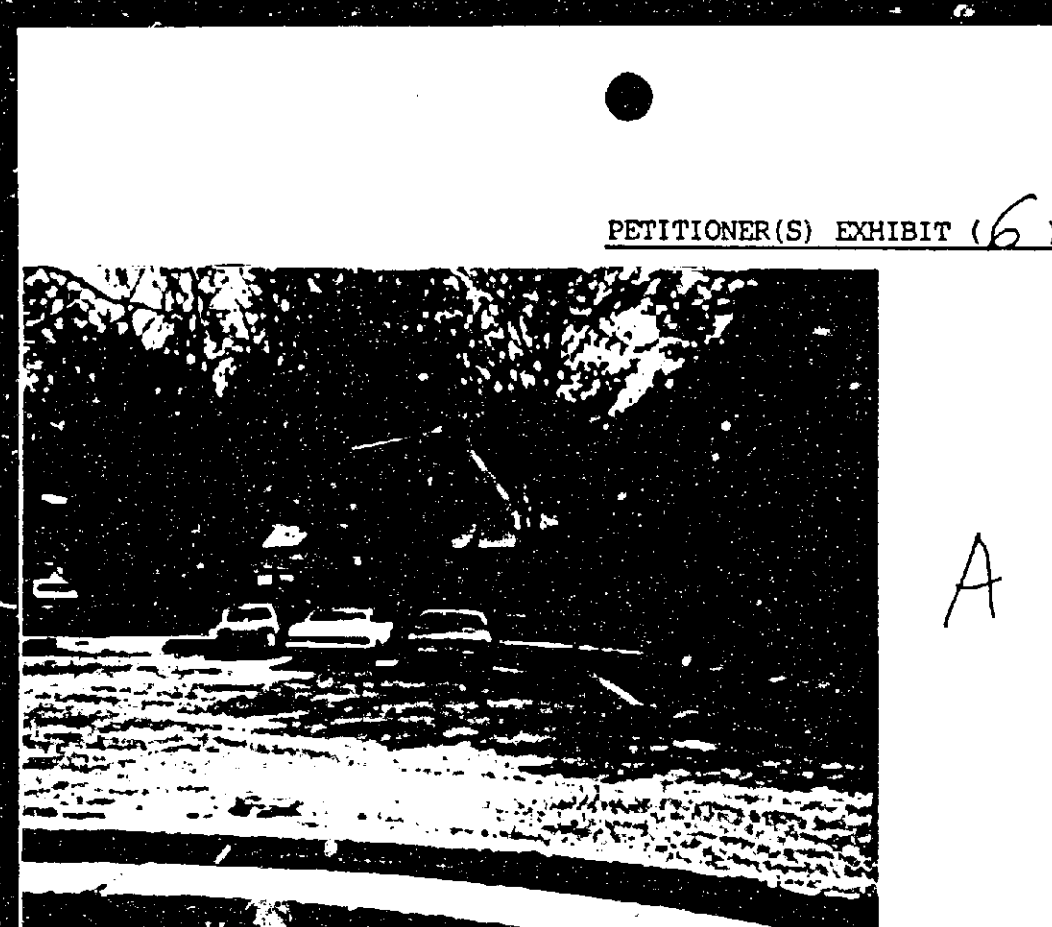
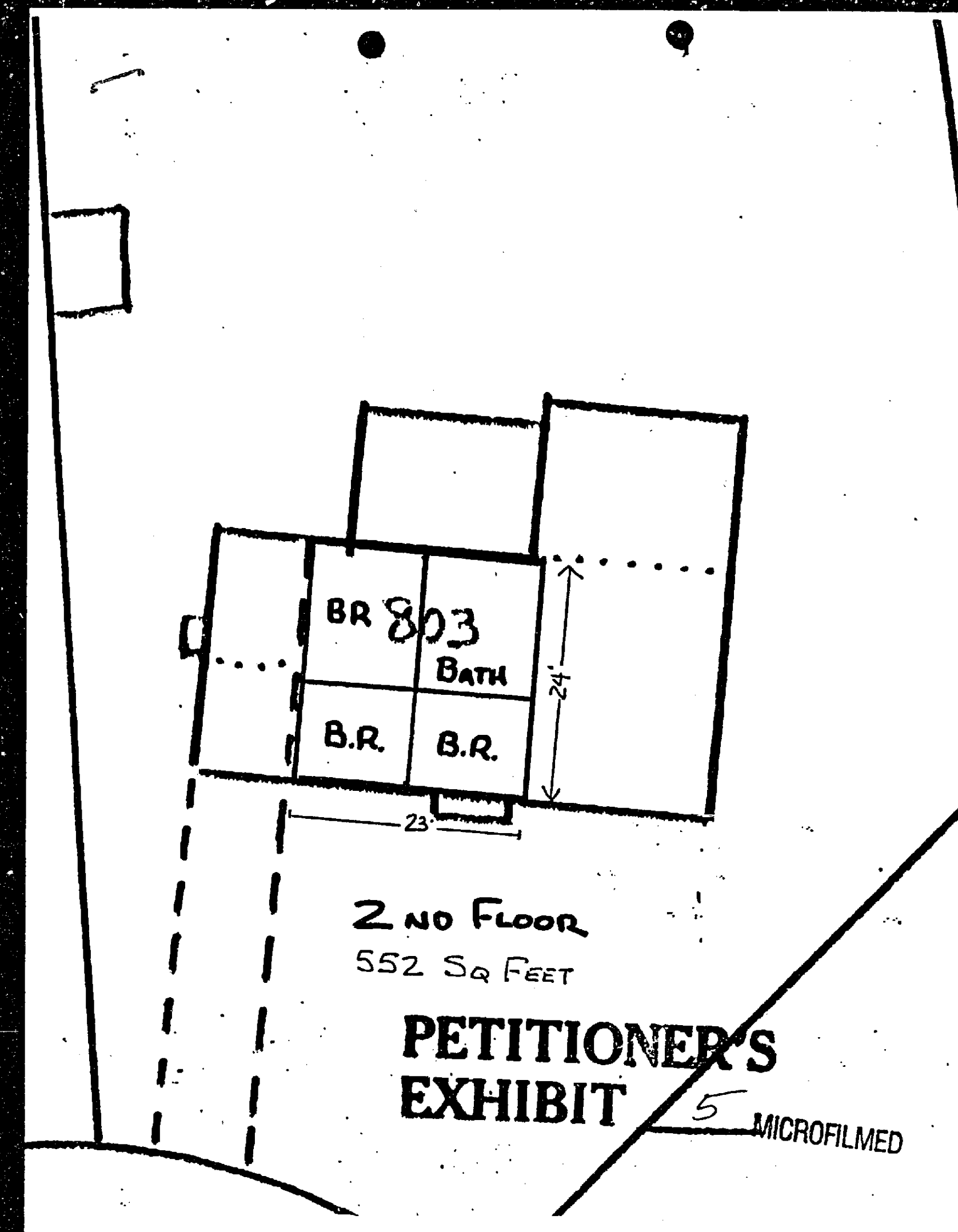
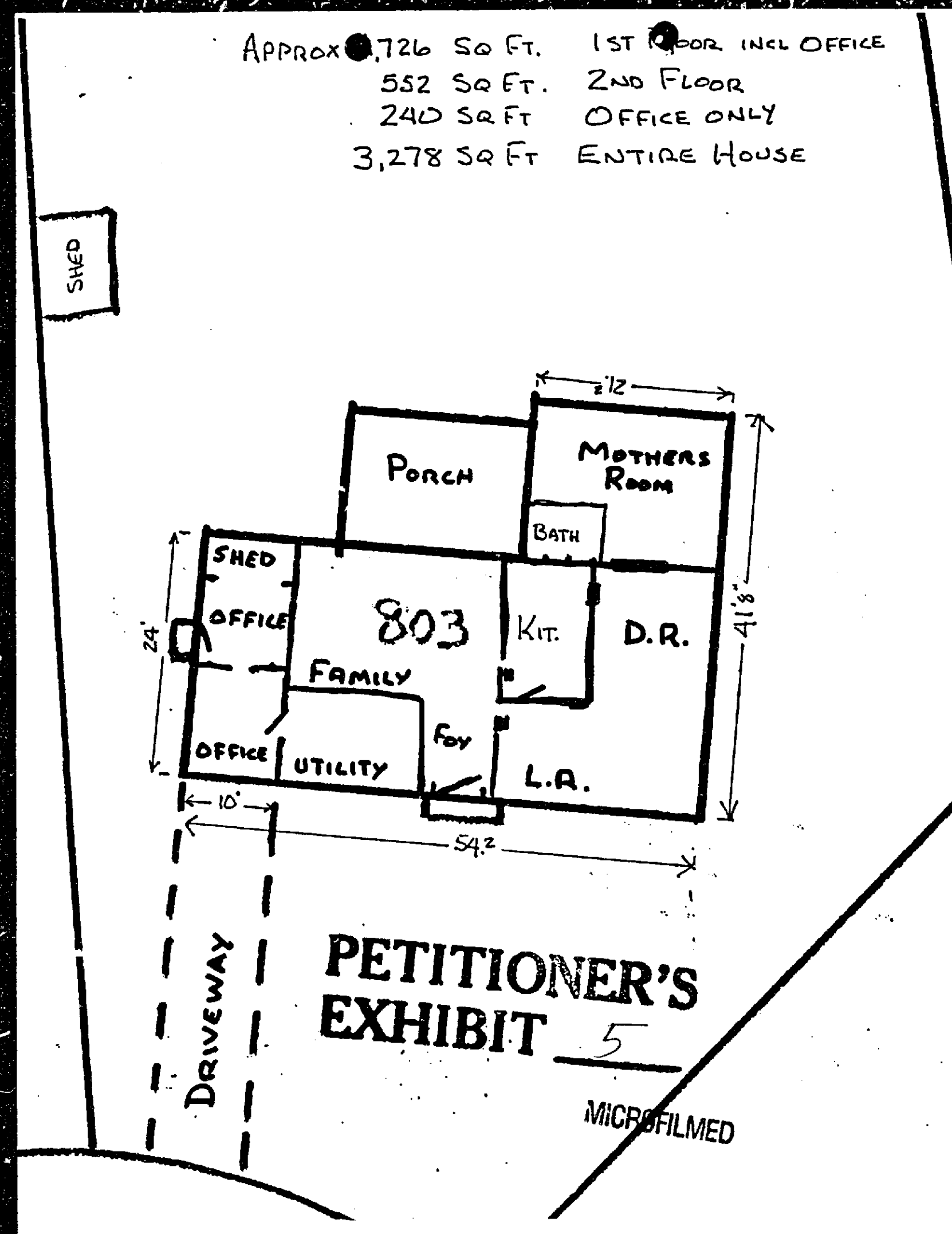
This plat is not intended for use in establishing property lines.

SPOTT, STEVENS AND MCCOY, INC.
ENGINEERS - SURVEYORS
PLANNERS - SCIENTISTS
938 Fairmont Ave., Suite 105
Towson, MD 21204

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PERP	V.K.	20	1430	072112
APPLICATION NO.	TITLE CO.	DRAWN BY	CHECK BY	DATE

	PERP	J.K.	RU	1230		872112
APPLICATION NO	TITLE CO	DRAWN BY	CHECK BY	SCALE	DATE	



Case No. 88-524-X
James Melvin Donahue, Jr.

3.

this locale, who fear a domino effect and additional commercial intrusion into their residential community if the Petition was granted.

In considering the subject Petition, the Board is obligated to consider each of the factors enunciated in Section 502.1 of the B.C.Z.R. As with all special exceptions, the property owner must convince the Board that the proposed use complies with the criteria established in 502.1. In this instance, the Board is persuaded that the special exception in fact complies. There was no indication that any of the factors set forth in 502.1 would prevent this special exception, with the possible exception of traffic considerations. However, the property owner's meticulous record keeping documenting his business traffic was persuasive, in addition to the protestants' inability to specifically attribute the perceived increase in traffic to the detective agency.

Although the Board is persuaded that the requirements of 502.1 have been met, a threshold issue must be considered. Specifically, Section 1B01.1.C.9B provides that only professional offices may be maintained in residential zones, by special exception. This section designates certain professions, including physicians, dentists, lawyers, etc., and allows "other professional persons" to be eligible for special exception. Simply stated, the issue is whether a private detective is a professional person.

In support of the proposition that a private detective is a professional, the Petitioner offered the heretofore cited ruling by the Board. Additionally, Case No. 85-78-X, by the Zoning Commissioner in October of 1984, was cited as authority in support of the Petitioner's argument. In that case, then Zoning Commissioner Jablon agreed with the Board's prior ruling in the earlier Donahue case and noted that the Board had found Mr. Donahue to be a professional within the B.C.Z.R. The Petitioner also offered evidence of Mr. Donahue's

Case No. 88-524-X
James Melvin Donahue, Jr.

4.

affiliation with professional organizations, his training by the State Police, and his licensing as among the other reasons why a private detective must be considered a professional within the purview of the B.C.Z.R.

In reply to these arguments, the People's Counsel argued that a private detective is not among the classic professions envisioned when this section of the B.C.Z.R. was adopted. She contrasted the differences between physicians and attorneys and private investigators, including the differences in educational requirements and binding ethical codes. Additionally, as we think was correctly noted, the People's Counsel argued that prior decisions of this Board and the Zoning Commissioner are not "stare decisis." Neither side was able to provide the Board with a judicial determination of whether a private investigator was a professional within the zoning context, and this Board believes that each case must be considered anew, without adherence to prior administrative decisions by this Board or other administrative bodies.

Based upon the totality of the considerations before us, we are persuaded that Mr. Donahue's business is not that of a professional occupation as required by the B.C.Z.R. There is no doubt that his occupation requires licensing and a certain amount of specialized training. However, these requirements are far short of the stringent standards demanded of other recognized professionals. For that reason, the Board is persuaded that, notwithstanding his ability to meet the criteria set forth in 502.1, a special exception may not be granted in that Mr. Donahue does not qualify under Section 1B01.1.C.9B.

Notwithstanding our decision, a final consideration remains. Mr. Donahue's testimony was uncontradicted that he relied upon the prior decision of this Board in relocating his business/residence to Cromwell Bridge Village in 1988. As was suggested by the litigants but not specifically argued, the issue

Case No. 88-524-X
James Melvin Donahue, Jr.

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of equitable estoppel therefore may be appropriate. Specifically, this Board is concerned with the apparent greenlight given to Mr. Donahue by the Board in 1983, notwithstanding that the issue at that time was not as to a special exception nor concerning the subject property. The clear statement within the Board's opinion as to the Petitioner's professionalism cannot be misinterpreted or ignored. Nonetheless, due to the absence of any significant argument before us, we will not address that issue here, preferring instead that it be determined judicially.

ORDER

For the reasons as set forth in the foregoing Opinion, it is this 30th day of May, 1989 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Special Exception be and is hereby DENIED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence E. Schmidt
Lawrence E. Schmidt, Acting Chairman

Henry H. Lewis

Lynn B. Moreland
Lynn B. Moreland



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

May 30, 1989

Konstantine J. Prevas, Esquire
PREVAS & PREVAS
Suite 950, 5 Light Street
Baltimore, MD 21202-1250

RE: Case No. 88-524-X
James M. Donahue, Jr.

Dear Mr. Prevas:

Enclosed is a copy of the final Opinion and Order issued this date by the County Board of Appeals in the subject matter.

Sincerely,

Kathleen C. Weldonhammer
Kathleen C. Weldonhammer
Administrative Secretary

Encl.

cc: Mr. & Mrs. James M. Donahue, Jr.
Ms. Ruby Telesca
Ms. W. Lucy Gentry
Ms. Dolores Ford
Mr. & Mrs. Douglas Forrest
Ms. Carol Broman
Mr. Gordon L. Kennan
Ms. Cristina Beltran
Mr. & Mrs. Michael J. Ruck
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
J. Docket Clerk - Zoning
Arnold Jablon, County Attorney

IN THE MATTER OF * BEFORE THE
JAMES M. DONAHUE, JR. * COUNTY BOARD OF APPEALS
803 Streambank Court * Case No. 88-524-X
Towson, Maryland 21204 *

NOTICE STRIKING APPEARANCE

MADAM CLERK:

Please strike the appearance of S. Eric DiNenna, P.A., DiNenna, Mann & Breschi, concerning the above-captioned matter.

S. Eric DiNenna
S. ERIC DINENNA
DINENNA, MANN & BRESCHI
P.O. Box 10508
Towson, Maryland 21285-0508
(301) 296-6820

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 24 day of May, 1989, a copy of the foregoing Notice Striking Appearance was mailed, postage prepaid, to Konstantine J. Prevas, Esquire, 5 Light Street, Suite 950, Baltimore, Maryland 21202; Mr. and Mrs. Michael J. Ruck, c/o 5303 Harford Road, Baltimore, Maryland 21214; Mr. and Mrs. G. W. Chapman, 800 Streambank Court, Baltimore, Maryland 21204; and Mr. Thomas Azzaro, 812 Beaver Bank Circle, Towson, Maryland 21204.

S. Eric DiNenna
S. ERIC DINENNA

DiNENNA, MANN & BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.
GIAIDINE A. KLAUBER
FRANCIS X. BORGERDING

SUITE 400
MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820
TELEFAX (301) 296-6884

May 2, 1989

County Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No.: 88-524-X
James M. Donahue, Jr.,
Petitioner

Dear Madam Clerk:

Enclosed herewith for filing please find Notice Striking Appearance.

Thank you for your cooperation.

Very truly yours,

S. Eric DiNenna
S. ERIC DINENNA

SED:cjc
Enclosure
cc: Mr. Thomas Azzaro
Mr. and Mrs. G. W. Chapman
Mr. and Mrs. Michael J. Ruck
Konstantine J. Prevas, Esquire

Please Note New Mailing Address:

DiNenna, Mann & Breschi
P.O. Box 10508
Towson, Maryland 21285-0508

IN RE: PETITION FOR SPECIAL * BEFORE THE
EXCEPTION * ZONING COMMISSIONER
ES Streambank Court (cul *
de sac) 136" NE Beaverbank *
Circle (803 Streambank Ct.) * OF BALTIMORE COUNTY
9th Election District * CASE #88-524X
4th Councilmanic District *
James Melvin Donahue, Jr. *
Petitioner

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

The Petitioner herein requests a Special Exception to use the subject property as a professional office in a D.R.3.5 zone under Section 1B01.1.C.9B of the Baltimore County Zoning Regulations (B.C.Z.R.), as more particularly described on Petitioner's Exhibit 1.

The Petitioner, James Melvin Donahue, appeared and testified and was represented by Konstantine J., Prevas, Esquire. Also appearing on behalf of the Petitioner was Mrs. Telesca, Mrs. Cessages, Mrs. Gentry, Mrs. Ford and Mr. Forrest. Many residents of the area appeared as Protestants, including Mr. Michael Ruck, who testified, on their behalf, and was represented by S. Eric DiNenna, Esquire.

The evidence and testimony tend to indicate that Mr. Donahue is a self employed private investigator who employs one additional investigator and a full time secretary. All of these individuals work out of the subject home property. Mr. Donahue is licensed by the State of Maryland as a Private Detective for his home address of 803 Streambank Court, Towson, Maryland 21204.

The subject property is located on a cul de sac in a residential community known as Cromwell Heights and Cromwell Valley, Section Two. The subject property is zoned D.R. 3.5 and is improved with a single

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family dwelling unit on a lot consisting of approximately 11,500 sq. ft. The original carport located to the north side of the property has been enclosed and is currently used as the office for the Petitioner's business enterprise. The Petitioner purchased the property in October 1987 with the intention of moving his business to this location.

Mr. Donahue testified extensively that he was aware of the requirement to obtain a special exception to operate a business from a residential home, however, he did not undertake to obtain such a special exception until after the zoning violation case was prosecuted against him. He testified that it was his belief that since he had a professional office in another residence in Baltimore County he had the right to have a professional office in any residence in Baltimore County in the future. Obviously, the Zoning Commissioner explained that a special exception is tied to the land and if Mr. Donahue is to move his pre-existing business whether it had the benefit of a special exception, or not, would still require a new special exception at the new location.

The specific special exception required is pursuant to 1B01.1.C.9B of the Baltimore County Zoning Regulations which specifically requires a special exception for "an office or studio of a physician, dentist, lawyer, architect, engineer, artists, musician, or other professional persons, ..." in the D.R. zone. The subject site is, clearly, D.R. zoned property and the Petitioner is, clearly, required to obtain a special exception in order to conduct any business from that home.

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Issues have been raised by the Protestants as to whether or not Mr. Donahue's business of a private detective is another professional person as that term is used in Section 1B01.1.C.9B of the B.C.Z.R. The Protestants argue that mere licensing by the State of Maryland does not in and of itself establish someone as a professional within the terms and conditions of the special exception definition.

The Petitioner claims he has been granted an earlier special exception in Baltimore County as a private detective. He claims the order was granted for a professional person employed at home. He cites Baltimore County Board of Appeals matter 82-179-V, which is an appeal of a zoning violation case before the Zoning Commissioner, in case #C-82-229. The petitioner claims that the Board of Appeals has ruled for all time that a private detective is a professional person within the meaning of the B.C.Z.R. and that this supposed conclusion is res adjudicata.

The opinion in 82-179-V establishes no such holding. The Petitioner disregards the Order of the Board of Appeals which says, "James M. Donahue maintains a present nonconforming use status at the subject property and, therefore, is not in violation . . .". There are no words in the Order about private detectives being professional persons. This case turned only on a status of nonconforming use. The case, clearly, applied only to the facts and events concerning the subject property (1022 Overbrook Road) not the property at issue in the case.

Even if the Board of Appeals case stood for the proposition the Petitioner claims it still would not control this case. Case 82-179-V is a violation case and is not on point.

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-3-

I agree with the Protestants that a Private Detective is not a professional person as envisioned by Section 1B01.1.C.9B. That definition specifically list the classic professions such as physicians, lawyers, artists and musicians. It also includes the commonly accepted professions of dentistry, architects and engineers. All of these professions, clearly, fit within the definition of the concept of a professional person as delineated in Webster's Third International Dictionary for persons engaged in one of the learned professions or in an occupation requiring high level of training and proficiency. Furthermore, these professions are characterized by their conformity to technical and ethical standards of a recognized profession and they, clearly, manifest the fine artistry and workmanship and the required sound knowledge and skill resulting from years of education, training and experience in their field. Also, all of the professions listed in Section 1B01.1.C.9B are professions that belong to the "learned professions and/or classical professions".

Clearly, the spirit and intent of Section 1B01.1.C.9B does not include private detectives. The professions listed in 9B are all different from the undertaking and enterprise of a private detective.

Therefore, I find that the Petitioner's request for a special exception cannot be granted. By definition a private detective is not included within the terms of Section 1B01.1.C.9B of the B.C.Z.R. and, therefore, the granting of an special exception for a use not listed within the definitional section of the regulation would be beyond the scope and power of the Zoning Commissioner.

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-4-

Pursuant to the advertisement, posting of the property, and public hearing held, and for the reasons given above, it appears that the relief requested in the special exception should be denied.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner of Baltimore County, Maryland, this 4th day of Oct, 1988 that the Petition for Special Exception to use the subject property as a professional office in a D.R.3.5 zone under Section 1B01.1.C.9B of the Baltimore County Zoning Regulations (B.C.Z.R.), as more particularly described on Petitioner's Exhibit 1, be and the same is hereby DENIED.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

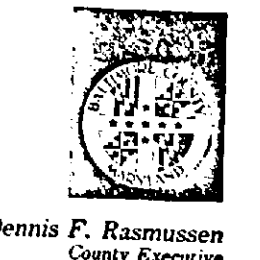
JRH:mmm
cc: Peoples Counsel
Konstantine J. Prevas, Esquire
Mrs. R. Telesca
Mrs. Cessages
Mrs. Gentry
Mrs. Ford
Mr. Forrest
S. Eric DiNenna, Esquire
Mr. Michael J. Ruck

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-5-

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

October 4, 1988



Konstantine J. Prevas, Esquire
Suite 950, Ninth Floor
5 Light Street
Baltimore, Maryland 21202-1280

RE: Petition for Special Exception
Case No. 88-524X

Dear Mr. Prevas:

Enclosed please find the decision rendered on the above captioned case. The Petition for Special Exception is denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm
att.
cc: James Melvin Donahue, Jr.
S. Eric DiNenna, Esquire
Michael J. Ruck

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IN THE MATTER OF * BEFORE THE
JAMES M. DONAHUE, JR. * ZONING COMMISSIONER OF
803 Streambank Court * BALTIMORE COUNTY
Towson, Maryland 21204 * No. 88-524-X

PETITIONER'S ANSWER TO PROTESTANTS MOTION TO DISMISS APPLICATION FOR SPECIAL EXCEPTION

James M. Donahue, Jr., Petitioner, by Konstantine J. Prevas, his attorney, in Answer to, and in opposition to, the Motion of Protestants to Dismiss Petitioner's Application for Special Exception says:

1. Protestants timely filed a Motion to Dismiss Petitioner's Application for Special Exception and gave as reason therefor the fact that the Petitioner had failed to request a special hearing under Section 500.7 of the Zoning Regulations of Baltimore County. Said hearing to be held for the purposes of determining whether a private detective is a member of the professions, as provided in Section 1B01.1, C, 9 B.
2. Protestants further aver, in support of their Motion to Dismiss Petitioner's Application for Special Exception that Petitioner failed to prove at hearing that a private detective was a member of the professions.
3. Petitioner's testimony, during the course of the hearing, was that he had previously been granted a special exception to conduct a private detective business out of a residential area, in Baltimore County. Petitioner relied on that fact as proof that a private detective is a member of the professions.
4. Petitioner's testimony was incorrect only to the extent that the County Board of Appeals of Baltimore County had ruled that a professional private investigator is a professional person within the meaning of the Zoning

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-2-

MICROFILMED

Regulations in a zoning relation case, rather than in a case arising from a Petition for Special Exception.

5. A copy of the Opinion of the County Board of Appeals of Baltimore County, No. 82-179-B (C-82-229) dated December 8, 1983 is attached hereto and made a part hereof. Also attached is the Order of the Zoning Commissioner of Baltimore County dated June 2, 1983, in case 82-179-B, C-82-229, which Order is also attached hereto and prayed to be made a part hereof.

6. The County Board of Appeals of Baltimore County found:

"The Board, therefore, determines that a professional private investigator is a professional person within the meaning of the Zoning Regulations."

7. This being the case it is submitted that there is nothing in paragraph 500.7 of the Zoning Regulations that mandates that the Petitioner request a hearing for a determination that has already been made by an administrative body which has superior and appellate jurisdiction over the administrative body before which Petitioner is presenting his position.

8. Simply stated, the finding of the County Board of Appeals of Baltimore County which pertains to the same Petitioner in the instant proceedings, is a finding (that a professional private investigator is a professional person within the meaning of the Zoning Regulations) which has already been litigated and determined by a competent Baltimore County authority.

9. To suggest that this finding arises in a zoning violation context rather than in an Application for Special Exception context, as protestants do, and is therefore not a valid finding in the instant proceedings, is to suggest that the Commissioner adopt a rationale which is neither logical nor legal. Petitioner's position is illogical in that it asks the Commission to hold that a person is a professional if he is charged with a zoning violation, but to hold

that a person is not a professional when that person seeks a special exception of the Zoning Regulations. The rationale which protestants seek to impose upon the Commissioner is illegal in that, it is respectfully submitted, that a finding and holding by the County Board of Appeals of Baltimore County on any particular issue, question of fact or question of law, is binding upon the administrative agency which issued the Order from which an appeal was taken to the County Board of Appeals of Baltimore County.

CONCLUSION

The Zoning Commissioner should determine that a professional private investigator is a professional person within the meaning of the Zoning Regulations, and decide the Special Exception Application on its merits. In the alternative, and without prejudice to Petitioner's position that there is a valid, binding adjudication in Baltimore County that a private investigator is a member of the professions, hold the instant matter sub curia, and afford the Petitioner an opportunity to request a special hearing under Section 500.7 of the Baltimore County Zoning Regulations on the issue as to whether a private investigator is a member of the professions.

Respectfully submitted,
Konstantine J. Prevas
Konstantine J. Prevas
5 Light Street, Suite 950
Baltimore, Maryland 21202
301-752-2340
Attorney for Petitioner

-3-

MICROFILMED

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of September, 1988, I mailed a copy of the foregoing Answer to Motion to S. Eric DiNenna, Esquire, Suite 600, 409 Washington Avenue, Towson, Maryland 21204, Attorney for Protestants.

Konstantine J. Prevas
Konstantine J. Prevas

-4-

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